

Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 12, NUMBER 7
WEDNESDAY, JANUARY 1, 1986



IN THIS ISSUE

Public Hearing.....	1139
Emergency Regulations Now In Effect:	
Natural Resources - Surface Mining.....	1147
Education.....	1153
Human Resources.....	1154
Proposed Amendments:	
Revenue.....	1156
Board of Examiners for Social Work.....	1157
Corrections.....	1157
Education.....	1164
Department for the Blind.....	1168
Financial Institutions.....	1169
Human Resources.....	1170
Proposed Regulations Received Through December 15:	
Treasury.....	1193
Revenue.....	1193
Education.....	1194
Human Resources.....	1197
Minutes of the Administrative Regulation Review Subcommittee.....	1202

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	G2
KRS Index.....	G8
Subject Index.....	G15

UNLESS WRITTEN NOTIFICATION OF INTENT TO ATTEND
A PUBLIC HEARING IS RECEIVED BY THE PROMULGATING
AGENCY AT LEAST FIVE (5) DAYS BEFORE THE HEARING
DATE, THE HEARING MAY BE CANCELLED.

MEETING NOTICE: The next meeting of the Administrative Regulation
Review Subcommittee is January 2 and 3, 1986. For information, call
502-564-8100, ext. 312.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly advance sheets service for the 1986 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title	Chapter	Regulation
806	KAR 50	: 155
Cabinet, Department, Board or Agency	Bureau, Division, or Major Function	Specific Area of Regulation

ADMINISTRATIVE REGISTER OF KENTUCKY

(ISSN 0096-1493)

© 1985 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$36 per volume of 12 issues, beginning in July and ending with the June issue of the subsequent year.

Second class postage paid at Frankfort, Kentucky.

POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 300, State Capitol, Frankfort, Kentucky 40601.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

Chairmen

Senator Joe Prather
Senate President Pro Tem

Representative Donald J. Blandford
Speaker of the House

Senate Members

House Members

John A. "Eck" Rose
Assistant President Pro Tem

Pete Worthington
Speaker Pro Tem

Joe Wright
Majority Floor Leader

Gregory D. Stumbo
Majority Floor Leader

Joe Lane Travis
Minority Floor Leader

Richard A. Turner
Minority Floor Leader

David K. Karem
Majority Caucus Chairman

William "Bill" Donnermeyer
Majority Caucus Chairman

Clyde Middleton
Minority Caucus Chairman

Pearl Ray LeFevers
Minority Caucus Chairman

Helen Garrett
Majority Whip

Kenny Rapier
Majority Whip

Jon W. Ackerson
Minority Whip

Willard (Woody) Allen
Minority Whip

Vic Hellard, Jr. Director

Samuel L. Hensley, Assistant Director for Education and Information

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

Staff

Representative William Brinkley, Chairman
Senator Harold Haering
Senator William L. Quinlan
Senator Pat McCuiston
Representative James E. Bruce
Representative Edward L. Holloway
Representative Joseph U. Meyer

Susan C. Wunderlich, Regulations Compiler
June Q. Mabry
Carla Arnold
Donna Valencia
Shirley Hart
O. Joseph Hood
Gregory Karambellas

PUBLIC HEARINGS

The administrative body shall schedule a public hearing on proposed administrative regulations, proposed amendments to administrative regulations, and proposed repeal of administrative regulations to be held not less than twenty (20) nor more than thirty (30) days following publication of the administrative regulation. The time, date, and place of the hearing and the name and address of the agency contact person shall be included on the last page of the administrative regulation when filed with the Compiler's office.

This information shall be published in the "Administrative Register" at the same time as the initial publication of the administrative regulation. Any person interested in attending the hearing must submit written notification of such to the administrative body at least five (5) days before the scheduled hearing. If no written notice is received at least five (5) days before the hearing, the administrative body may cancel the hearing.

If the hearing is cancelled, the administrative body shall notify the Compiler immediately by telephone of the cancellation with a follow-up letter and the Compiler will note upon the face of the original administrative regulation that the hearing was cancelled.

No transcript of the hearing need be taken unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

If an administrative body has several proposed administrative regulations published at the same time, the proposed administrative regulations may be grouped at the convenience of the administrative body for purposes of hearings.

EMERGENCY REGULATIONS NOW IN EFFECT

(NOTE: Emergency regulations expire 90 days from publication or upon replacement or repeal.)

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining Reclamation
and Enforcement

405 KAR 7:020E. Definitions and abbreviations.

RELATES TO: KRS Chapter 350

PURSUANT TO: KRS Chapter 13A, 350.028, 350.465

EFFECTIVE: December 2, 1985

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to surface coal mining and reclamation operations under the permanent regulatory program. This regulation provides for the defining of certain essential terms used in Title 405, Chapters 7 through 24.

Section 1. Definitions. Unless otherwise specifically defined or otherwise clearly indicated by their context, terms in Title 405, Chapters 7 through 24 shall have the meanings given in this regulation.

(1) "Acid drainage" means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from active, inactive or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

(2) "Acid-forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water, or weathering processes, form acids that may create acid drainage.

(3) "Adjacent area" means land located outside the affected area or permit area, depending on the context in which "adjacent area" is used, where air, surface or ground water, fish, wildlife, vegetation or other resources protected by KRS Chapter 350 may be adversely impacted by surface coal mining and reclamation operations.

(4) "Affected area" means any land or water which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings associated with underground mining activities, auger mining, or in situ mining. The affected area shall include every road used for the purposes of access to, or for hauling coal to or from, surface coal mining and

reclamation operations, unless the road:

(a) Was designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) Is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and

(c) There is substantial (more than incidental) public use.

(5) "Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

(6) "Applicant" means any person seeking a permit from the cabinet to conduct surface coal mining and reclamation operations or approval to conduct coal exploration operations pursuant to KRS Chapter 350 and all applicable regulations.

(7) "Application" means the documents and other information filed with the cabinet for the issuance for exploration approval or a permit.

(8) "Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls and spoil piles eliminated. Permanent water impoundments may be permitted where the cabinet has determined that they comply with KRS Chapter 350, 405 KAR 16:100; 405 KAR 16:060, Section 10; and 405 KAR 16:210; or 405 KAR 18:100; 405 KAR 18:060, Section 8; and 405 KAR 18:220.

(9) "Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for domestic, agricultural, industrial, or other beneficial use.

(10) "Area" as used in Title 405, Chapter 24, means a geographic unit in which the criteria alleged in the petition pursuant to 405 KAR 24:020, Sections 3 and 4 and 405 KAR 24:030, Section 8, occur throughout and form a significant feature.

(11) "Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the highwall and transporting the coal along an auger bit to the surface and shall also include all other such methods of mining in which coal is extracted from beneath the overburden by mechanical devices located at the face of the cliff or highwall and extending laterally into the coal seam, such as extended depth, secondary recovery systems.

(12) "Best technology currently available" means equipment, devices, systems, methods, or techniques which will prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area and minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the cabinet, even if they are not in routine use. The term includes, but is not limited to,

construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with Title 405, Chapters 16 and 18. The cabinet shall have the discretion to determine the best technology currently available on a case-by-case basis, as authorized by KRS Chapter 350 and Title 405, Chapters 7 through 24.

(13) "Cabinet" means the Natural Resources and Environmental Protection Cabinet.

(14) "Cemetery" means any area where human bodies are interred.

(15) "Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77.

(16) "Coal exploration" means the field gathering of:

(a) Surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or

(b) Environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of Title 405, Chapters 7 through 24 where such activity may cause any disturbance of the land surface or may cause any appreciable effect upon land, air, water or other environmental resources.

(17) "Coal mine waste" means coal processing waste and underground development waste.

(18) "Coal processing plant" means a facility where coal is subjected to chemical or physical processing or cleaning, concentrating, crushing, sizing, or other processing or preparation including all associated support facilities including but not limited to: loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water treatment and water storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas [collection of facilities, including all associated support facilities and operations, where run-of-the-mine coal is subjected to chemical or physical processing and separated from its impurities].

(19) "Coal processing waste" means materials which are separated from the product coal during the cleaning, concentrating, or other processing or preparation of coal.

(20) "Collateral bond" means an indemnity agreement in a sum certain payable to the cabinet executed by the permittee and which is supported by the deposit with the cabinet of cash, negotiable certificates of deposit or an irrevocable letter of credit of any bank organized and authorized to transact business in the United States.

(21) "Combustible material" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

(22) "Community or institutional building" means any structure, other than a public building or an occupied dwelling, which is used primarily for meetings, gatherings, or functions of local civic organizations or other community groups; functions as an educational, cultural, historic, religious, scientific, correctional, mental health or physical health care facility;

or is used for public services, including, but not limited to, water supply, power generation or sewage treatment.

(23) "Compaction" means increasing the density of a material by reducing the voids between the particles by mechanical effort.

(24) "Complete application" means an application for exploration approval or permit, which contains all information required under KRS Chapter 350 and Title 405, Chapters 7 through 24.

(25) "Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops. Land used for facilities in support of cropland farming operations which is adjacent to or an integral part of these operations is also included for purposes of land use categories.

(26) "Date of primacy" means the effective date of the Secretary of Interior's unconditional or conditional approval of Kentucky's permanent regulatory program under Section 503 of the 1977 Surface Mining Control and Reclamation Act (P.L. 95-87).

(27) "Day" means calendar day unless otherwise specified to be a working day.

(28) "Department" means the Department for Surface Mining Reclamation and Enforcement.

(29) "Developed water resources land" means land used for storing water for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply.

(30) "Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as "disturbed" until reclamation is complete and the performance bond or other assurance of performance required by Title 405, Chapter 10 is released.

(31) "Diversion" means a channel, embankment, or other manmade structure constructed to divert water from one (1) area to another.

(32) "Downslope" means the land surface below the projected outcrop of the lowest coalbed being mined along each highwall.

(33) "Embankment" means a man-made deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

(34) "Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and which has a channel bottom that is always above the local water table.

(35) "Excess spoil" means spoil material disposed of in a location other than the coal extraction area, provided that spoil material used to achieve the approximate original contour shall not be considered excess spoil.

(36) "Existing structure" means a structure or facility used in connection with or to facilitate surface coal mining and reclamation operations for which construction begins prior to January 18, 1983.

(37) "Experimental practice," as used in 405 KAR 7:060, means the use of alternative surface coal mining and reclamation operation practices

for experimental or research purposes.

(38) "Extraction of coal as an incidental part" means the extraction of coal which is necessary to enable the construction to be accomplished. Only that coal extracted from within the right-of-way, in the case of a road, railroad, utility line or other such construction, or within the boundaries of the area directly affected by other types of government-financed construction, may be considered incidental to that construction. Extraction of coal outside the right-of-way or boundary of the area directly affected by the construction shall be subject to the requirements of KRS Chapter 350 and Title 405, Chapters 7 through 24.

(39) "Federal lands" means any land, including mineral interests, owned by the United States, without regard to how the United States acquired ownership of the lands or which agency manages the lands. It does not include Indian lands.

(40) "Federal lands program" means a program established by the Secretary of the Interior pursuant to Section 523 of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87, 91 Stat. 445 (30 USC Section 1201 et. seq.)) to regulate surface coal mining and reclamation operations on federal lands.

(41) "Fish and wildlife habitat" means land dedicated wholly or partially to the production, protection or management of species of fish or wildlife.

(42) "Forest land" means land used or managed for the long-term production of wood, wood fiber, or wood derived products. Land used for facilities in support of forest harvest and management operations which is adjacent to or an integral part of these operations is also included.

(43) "Fragile lands" means geographic areas containing natural, ecologic, scientific or aesthetic resources that could be damaged or destroyed by surface coal mining operations. These lands may include, but are not limited to, uncommon geologic features, National Natural Landmark sites, valuable habitats for fish and wildlife, critical habitats for endangered or threatened species of animals and plants, wetlands, environmental corridors containing concentration of ecologic and aesthetic features, state-designated nature preserves and wild rivers, areas of recreational value due to high environmental quality, buffer zones around areas where surface coal mining is prohibited, and important, unique or highly productive soils or mineral resources other than coal.

(44) "Fugitive dust" means that particulate matter which becomes airborne due to wind erosion from exposed surfaces.

(45) "General area" means, with respect to hydrology, the topographic and ground water basin surrounding a permit area which is of sufficient size, including areal extent and depth, to include one (1) or more watersheds containing perennial streams and ground water zones and to allow assessment of the probable cumulative impacts on the quality and quantity of surface and ground water systems in the basins.

(46) "Government-financed construction" means construction funded fifty (50) percent or more by funds appropriated from a government financing agency's budget or obtained from general revenue bonds, but shall not mean government financing agency guarantees,

insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments.

(47) "Government financing agency" means a federal, Commonwealth of Kentucky, county, municipal, or local unit of government, or a cabinet, department, agency or office of the unit which, directly or through another unit of government, finance construction.

(48) "Grazingland" means grassland and forest lands where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production. Land used for facilities in support of grazing operations which are adjacent to or an integral part of these operations is also included.

(49) "Ground water" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

(50) "Half-shrub" means a perennial plant with a woody base whose annually-produced stems die back each year.

(51) "Head-of-hollow fill" means a fill structure consisting of any material, other than coal processing waste and organic material, placed in the uppermost reaches of a hollow near the approximate elevation of the ridgeline, where there is no significant natural drainage area above the fill, and where the side slopes of the existing hollow measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten (10) degrees.

(52) "Highwall" means the face of exposed overburden and coal in an open cut of a surface coal mining activity or for entry to underground mining activities.

(53) "Historic lands" means historic or cultural districts, places, structures or objects, including but not limited to sites listed on or eligible for listing on a State or National Register of Historic Places, National Historic Landmarks, archaeological and paleontological sites, cultural or religious districts, places, or objects, or sites for which historic designation is pending.

(54) "Historically used for cropland:"

(a) "Historically used for cropland" means that lands have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding:

1. The application; or
2. The acquisition of the land for the purpose of conducting surface coal mining and reclamation operations.

(b) Lands meeting either paragraph (a)1 or paragraph (a)2 of this subsection shall be considered "historically used for cropland."

(c) In addition to the lands covered by paragraph (a) of this subsection, other lands shall be considered "historically used for cropland" as described below:

1. Land that would likely have been used as cropland for any five (5) out of the last ten (10) years immediately preceding the acquisition or the application but for some fact of ownership or control of the land unrelated to the productivity of the land; and

2. Lands that the cabinet determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration, are clearly cropland but fall outside the specific five (5) years in ten (10)

criterion.

(d) Acquisition includes purchase, lease, or option of the land for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations.

(55) "Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationship between precipitation, runoff, evaporation, and changes in ground and surface water storage.

(56) "Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

(57) "Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of KRS Chapter 350 in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement.

(58) "Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

(59) "Incidental boundary revision" means an extension to a permit area that is necessary for reasons unforeseen at the time the original permit application was prepared and that is small in relation to the permit area (surface operations area for underground mining activities).

(a) Where an extension includes new areas from which coal will be removed, it will be considered as an incidental boundary revision only if the extension is no more than ten (10) percent of the permit area acreage or five (5) acres, whichever is less.

(b) Where an extension is for new areas not involving extraction of coal, it will be considered an incidental boundary revision only if the extension is no more than ten (10) percent of the permit area acreage (surface operations area acreage for underground mining activities) or two (2) acres, whichever is greater.

(c) Cumulative acreage added by successive revisions may not exceed the above limitations.

(60) "Industrial/commercial lands" means lands used for:

(a) Extraction or transformation of materials for fabrication of products, wholesaling of products or for long-term storage of products; and heavy and light manufacturing facilities. Land used for facilities in support of these operations which is adjacent to or an integral part of that operation is also included.

(b) Retail or trade of goods or services,

including hotels, motels, stores, restaurants, and other commercial establishments. Lands used for facilities in support of commercial operations which is adjacent to or an integral part of these operations is also included.

(c) Commercial agriculture activities including pasturing, grazing, and watering of livestock, and the cropping, cultivation and harvesting of plants for sale or resale.

(61) "In situ processes" means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

(62) "Intermittent stream" means:

(a) A stream or reach of stream that drains a watershed of one (1) square mile or more but does not flow continuously during the calendar year; or

(b) A stream or reach of stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

(63) "Irreparable damage to the environment," as used in 405 KAR 8:010, Sections 13(4) and 14(9) only, means any damage to the environment that cannot be corrected by actions of the applicant.

(64) "Land use" means specific uses or management-related activities rather than the vegetation or cover of the land, and may be identified in combination when joint or seasonal uses occur.

(65) "Monitoring" means the collection of environmental data by either continuous or periodic sampling methods.

(66) "Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

(67) "Natural hazard lands" means geographic areas in which natural conditions exist that pose or, as a result of surface coal mining operations, may pose a threat to the health, safety, or welfare of people, property or the environment, including, but not limited to, areas subject to landslides, cave-ins, subsidence, substantial erosion, unstable geology, or frequent flooding.

(68) "Notice of noncompliance and order for remedial measures" means a written document and order prepared by an authorized representative of the cabinet which sets forth with specificity the violations of KRS Chapter 350, Title 405, Chapters 7 through 24, or permit conditions which the authorized representative of the cabinet determines to have occurred based upon his inspection, and the necessary remedial actions, if any, and the time schedule for completion thereof, which the authorized representative deems necessary and appropriate to correct the violations.

(69) "Notice of violation" means any written notification from a governmental entity of a violation of law, whether by letter, memorandum, legal or administrative pleading, or other written communication.

(70) "Noxious plants" means species classified under Kentucky law as noxious plants.

(71) "Occupied dwelling" means any building that is currently being used on a regular or

temporary basis for human habitation.

(72) "Operations" means surface coal mining and reclamation operations, all of the premises, facilities, roads and equipment used in the process of producing coal from a designated area or removing overburden for the purpose of determining the location, quality or quantity of a natural coal deposit or the activity to facilitate or accomplish the extraction or removal of coal.

(73) "Operator" means any person, partnership, or corporation engaged in surface coal mining and reclamation operations.

(74) "Order for cessation and immediate compliance" means a written document and order issued by an authorized representative of the cabinet when:

(a) A person to whom a notice of noncompliance and order for remedial measures was issued has failed, as determined by cabinet inspection, to comply with the terms of the notice of noncompliance and order for remedial measures within the time limits set therein, or as subsequently extended; or

(b) The authorized representative finds, on the basis of a cabinet inspection, any condition or practice; or any violation of KRS Chapter 350, Title 405, Chapters 7 through 24, or any condition of a permit or exploration approval which:

1. Creates an imminent danger to the health or safety of the public; or

2. Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

(75) "Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

(76) "Overburden" means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

(77) "Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by livestock or occasionally cut and cured for livestock feed. Land used for facilities in support of pastureland which is adjacent to or an integral part of these operations is also included.

(78) "Perennial stream" means a stream or that part of a stream that flows continuously during all of the calendar year as a result of ground-water discharge or surface runoff. The term does not include "intermittent stream" or "ephemeral stream."

(79) "Performance bond" means a surety bond, collateral bond, cash bond, letter of credit or a combination thereof, by which a permittee assures faithful performance of all the requirements of KRS Chapter 350, Title 405, Chapters 7 through 24, and the requirements of the permit and reclamation plan.

(80) "Permanent diversion" means a diversion remaining after surface coal mining and reclamation operations are completed which has been approved for retention by the cabinet and other appropriate Kentucky and federal agencies.

(81) "Permit" means written approval issued by the cabinet to conduct surface coal mining and reclamation operations.

(82) "Permit area" means the area of land and water within boundaries designated in the approved permit application, which shall include, at a minimum, all areas which are or will be affected by surface coal mining and

reclamation operations under that permit.

(83) "Permittee" means an operator or a person holding or required by KRS Chapter 350 or Title 405, Chapters 7 through 24 to hold a permit to conduct surface coal mining and reclamation operations during the permit term and until all reclamation obligations imposed by KRS 350 and Title 405, Chapters 7 through 24 are satisfied.

(84) "Person" means any individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization, or any agency, unit, or instrumentality of federal, state, or local government, including any publicly owned utility or publicly owned corporation of federal, state, or local government.

(85) "Person having an interest which is or may be adversely affected" or "person with a valid legal interest" shall include any person:

(a) Who uses any resource of economic, recreational, aesthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet; or

(b) Whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations, or by any related action of the cabinet.

(86) "Petitioner" means a person who submits a petition under Title 405, Chapter 24 to designate a specific area as unsuitable for all or certain types of surface coal mining and reclamation operations, or who submits a petition under Title 405, Chapter 24 to terminate such a designation.

(87) "Precipitation event" means a quantity of water resulting from drizzle, rain, snowmelt, sleet, or hail in a specified period of time.

(88) "Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 and which have historically been used for cropland as that phrase is defined above.

(89) "Principal shareholder" means any person who is the record or beneficial owner of ten (10) percent or more of any class of voting stock of the applicant.

(90) "Probable cumulative impacts" means the expected total qualitative, and quantitative, direct and indirect effects of surface coal mining and reclamation operations on the hydrologic regime.

(91) "Probable hydrologic consequences" means the projected results of proposed surface coal mining and reclamation operations which may reasonably be expected to change the quantity or quality of the surface and ground water; the surface or ground water flow, timing and pattern; and the stream channel conditions on the permit area and adjacent areas.

(92) "Property to be mined" means both the surface and mineral estates on and underneath lands which are within the permit area.

(93) "Public building" means any structure that is owned by a public agency or used principally for public business, meetings or other group gatherings.

(94) "Public office" means a facility under the direction and control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

(95) "Public park" means an area dedicated or designated by any federal, state, or local agency for public recreational use, despite whether such use is limited to certain times or

days. It includes any land leased, reserved or held open to the public because of that use.

(96) "Public road" means any publicly owned thoroughfare for the passage of vehicles.

(97) "Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

(98) "Reclamation" means the reconditioning and restoration of areas affected by surface coal mining operations as required by KRS Chapter 350 and Title 405, Chapters 7 through 24 under a plan approved by the cabinet.

(99) "Recreation land" means land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses.

(100) "Recurrence interval" means the interval of time in which an event is expected to occur once, on the average.

(101) "Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetation ground cover, productivity and plant species diversity that are produced naturally or by crop production methods approved by the cabinet. Reference areas must be representative of geology, soil, slope and vegetation in the permit area.

(102) "Refuge pile" means a surface deposit of coal mine waste that is not retained by an impounding structure and does not impound water, slurry, or other liquid or semi-liquid material.

(103) "Renewable resource lands" means aquifers and areas for the recharge of aquifers and other underground waters, areas for agricultural or silvicultural production of food and fiber, and grazing lands.

(104) "Residential land" means tracts employed for single and multiple-family housing, mobile home parks, and other residential lodgings. Also included is land used for support facilities such as vehicle parking, open space, and other facilities which directly relate to the residential use of the land.

(105) "Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side area, approaches, structures, ditches, surface, and such contiguous appendages as are necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or surface coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road construction procedure and promptly replaced by a road pursuant to Title 405, Chapters 16 and 18 located in the identical right-of-way as the pioneer or construction roadway. The term also excludes any roadway within the immediate mining pit area.

(106) "Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces, as determined by accepted engineering practices.

(107) "Secretary" means the Secretary of the

Cabinet for Natural Resources and Environmental Protection.

(108) "Sedimentation pond" means a primary sediment controlled structure designed, constructed and maintained in accordance with 405 KAR 16:090 or 405 KAR 18:090 and including but not limited to a barrier, dam, or excavated depression which slows down water runoff to allow suspended solids to settle out. A sedimentation pond shall not include secondary sedimentation control structures such as straw dikes, riprap, check dams, mulches, dugouts and other measures that reduce overland flow velocity, reduce runoff volume or trap sediment, to the extent that such secondary sedimentation structures drain to a sedimentation pond.

(109) "Significant, imminent environmental harm" is an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life as further defined in this subsection.

(a) An environmental harm is imminent, if a condition, practice, or violation exists which:

1. Is causing such harm; or
2. May reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set by the cabinet's authorized agents pursuant to the provisions of KRS Chapter 350.

(b) An environmental harm is significant if that harm is appreciable and not immediately reparable.

(110) "Slope" means average inclination of a surface, measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g. 1v:5h). It may also be expressed as a percent or in degrees.

(111) "Slurry mining" means the hydraulic breakdown of subsurface coal with drill-hole equipment, and the eduction of the resulting slurry to the surface for processing.

(112) "Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

(a) "A horizon." The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

(b) "E horizon." The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by a lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from an underlying B horizon in the same sequum by color of higher value or lower chroma, by coarser texture or by a combination of these properties.

(c) "B horizon." The layer that typically is immediately beneath the E horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

(d) "C horizon." The deepest layer of soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

(113) "Soil survey" means a field or other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes,

classifies, and interprets such soils for use. Soil surveys must meet the standards of the National Cooperative Soil Survey.

(114) "Spoil" means overburden and other materials, excluding topsoil, coal mine waste, and mine coal, that are excavated during surface coal mining and reclamation operations.

(115) "Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

(116) "Steep slope" means any slope of more than twenty (20) degrees.

(117) "Substantially disturb" means for purposes of coal exploration, to impact significantly upon land, air or water resources by such activities as blasting, mechanical excavation, drilling or altering coal or water exploratory holes or wells, construction of roads and other access routes, and the placement of structures, excavated earth, or other debris on the surface of land.

(118) "Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those rights.

(119) "Surety bond" means an indemnity agreement in a sum certain payable to the cabinet executed by the permittee which is supported by the performance guarantee of a corporation licensed to do business as a surety in the Commonwealth of Kentucky where the surface or underground coal mining operation subject to the indemnity agreement is located.

(120) "Surface coal mining and reclamation operations" means surface coal mining operations and all activities necessary and incident to the reclamation of such operations.

(121) "Surface coal mining operations" means activities conducted on the surface of lands in connection with a surface coal mine and surface operations and surface impacts incident to an underground coal mine. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and cleaning, concentrating, or other processing or preparation, and the loading of coal at or near the mine-site. Such activities shall not include the extraction of coal by a landowner for his own noncommercial use from land owned or leased by him, except that noncommercial use shall not include the extraction of coal by one (1) unit of an integrated company or other business entity which uses the coal in its own manufacturing or power plants; the extraction of coal as an incidental part of federal, state, or local government financed highway or other construction; or the extraction of, or intent to extract, 250 tons or less of coal by any person by surface coal mining operations within twelve (12) successive calendar months; the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds (16 2/3) percent of the tonnage of minerals removed for the purpose of commercial use or sale; or coal exploration. Surface coal mining operations shall also include the areas upon which such activities occur or where such activities disturb the natural land surface.

Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities. This definition includes the terms "strip mining of coal" and the surface effects of underground mining of coal as defined in KRS Chapter 350.

(122) "Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam before recovering the coal, by auger coal mining, by extraction of coal from coal refuse piles, or by recovery of coal from slurry ponds.

(123) "Suspended solids" or nonfilterable residue, expressed as milligrams per liter, means organic or inorganic materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR 136).

(124) "Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and not approved by the cabinet to remain after reclamation as part of the approved postmining land use.

(125) "Ton" means 2,000 pounds avoirdupois (.90718 metric ton).

(126) "Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

(127) "Toxic-forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical conditions in soils or water that are detrimental to biota or uses of water.

(128) "Toxic-mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action is likely to kill, injure, or impair biota commonly present in the area that might be exposed to it.

(129) "Transfer, assignment or sale of rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the cabinet.

(130) "Underground development waste" means waste coal, shale, claystone, siltstone, sandstone, limestone, or similar materials that are extracted from underground workings in connection with underground mining activities.

(131) "Underground mining activities" means a combination of:

(a) Surface operations incident to underground extraction of coal or in situ processing, including construction, use, maintenance, and reclamation of roads; above-ground repair areas, storage areas, processing areas, and shipping

areas; areas upon which are sited support facilities including hoist and ventilating ducts, areas utilized for the disposal and storage of waste, and areas on which materials incident to underground mining operations are placed; and

(b) Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities, in situ processing, and underground mining, hauling, storage, and blasting.

(132) "Undeveloped land or no current use or land management" means land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession.

(133) "Unwarranted failure to comply" means the failure of the permittee due to indifference, lack of diligence or lack of reasonable care:

(a) To prevent the occurrence of any violation of any applicable requirement of KRS Chapter 350, the regulations of Title 405, Chapters 7 through 24, or permit conditions; or

(b) To abate any violation of any applicable requirement of KRS Chapter 350, the regulations of Title 405, Chapters 7 through 24, or permit conditions.

(134) "Valley fill" means a fill structure consisting of any material other than coal waste and organic material that is placed in a valley where side slopes of the existing valley measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten (10) degrees.

(135) "Water table" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

(136) "Water transmitting zone" means a body of consolidated or unconsolidated rocks which, due to their greater primary or secondary permeability relative to the surrounding rocks, can reasonably be considered to function as a single hydraulic medium for the flow of ground water.

(137) "Willful violation" means an act or omission which violates the Surface Mining Control and Reclamation Act (P.L. 95-87), KRS Chapter 350, the regulations of Title 405, Chapters 7 through 24, or any permit condition, committed by a person who intends the result which actually occurs.

Section 2. Abbreviations. As used in Title 405, Chapters 7 through 24, the following abbreviations shall have the meanings given below:

ac - acre
CFR - Code of Federal Regulations
dB - decibels
FDIC - Federal Deposit Insurance Corporation
FSLIC - Federal Savings and Loan Insurance Corporation
Hz - hertz
KAR - Kentucky Administrative Regulations
KPDES - Kentucky Pollutant Discharge Elimination System
KRS - Kentucky Revised Statutes
l - liter
mg - milligram

MRP - mining and reclamation plan
 MSHA - Mine Safety and Health Administration
 NPDES - National Pollutant Discharge
 Elimination System
 OSM - Office of Surface Mining Reclamation and
 Enforcement, United States Department of the
 Interior
 SCS - Soil Conservation Service
 SMCRA - Surface Mining Control and Reclamation
 Act of 1977, P.L. 95-87
 USDA - United States Department of Agriculture
 USDI - United States Department of the Interior
 U.S. EPA - United States Environmental
 Protection Agency
 USGS - United States Geological Survey

Section 3. Applicability of Amendments to
 Section 1(18) of this Regulation. The amendments
 to Section 1(18) of this regulation shall become
 applicable on December 1, 1985.

Section 4. Statement of Emergency. (1) The
 amendment to this regulation revises the
 definition of coal processing plant to include
 facilities previously exempted from regulation.
 This is necessary to comply with an order of the
 U.S. District Court, Eastern District of
 Kentucky, Civil Action No. 82-30.

(2) The amendments are being promulgated in an
 emergency regulation because the cabinet must
 initiate action in accordance with the
 compliance schedule of the judicial order prior
 to the time that an ordinary administrative
 regulation could be promulgated.

(3) This emergency regulation will be replaced
 by an ordinary administrative regulation.

CHARLOTTE E. BALDWIN, Secretary
 APPROVED BY AGENCY: November 14, 1985
 FILED WITH LRC: December 2, 1985 at 11 a.m.

**NATURAL RESOURCES
 AND ENVIRONMENTAL PROTECTION CABINET
 Department for Surface Mining Reclamation
 and Enforcement**

**405 KAR 8:050E. Permits for special categories
 of mining.**

RELATES TO: KRS 350.093, 350.445, 350.450,
 350.465

PURSUANT TO: KRS Chapter 13A, 350.020,
 350.028, 350.060, 350.093, 350.151, 350.450,
 350.465

EFFECTIVE: December 2, 1985

NECESSITY AND FUNCTION: KRS Chapter 350 in
 pertinent part requires the cabinet to
 promulgate rules and regulations pertaining to
 permits for surface coal mining and reclamation
 operations, including certain special categories
 of mining. This regulation sets forth permit
 application requirements for special mining
 categories including mining on prime farmland,
 augering, in situ processes, offsite coal
 preparation plants, mountaintop removal mining,
 and mining on steep slopes. This regulation sets
 forth the only variance from the requirement to
 return to approximate original contour in steep
 slopes. This regulation sets forth the manner in
 which the contemporaneous reclamation
 requirements can be met for combined surface and
 underground mining activities.

Section 1. In Situ Processing Activities. (1)

Applicability. This section applies to any
 person who conducts or intends to conduct
 surface coal mining and reclamation operations
 utilizing in situ processing activities.

(2) Application requirements. Any application
 for a permit for operations covered by this
 section shall be made according to all
 requirements of this chapter applicable to
 underground mining activities. In addition, the
 mining and reclamation operations plan for
 operation involving in situ processing
 activities shall contain information
 establishing how those operations will be
 conducted in compliance with the requirements of
 405 KAR 20:080, including:

(a) Delineation of proposed holes and wells
 and production zone for approval of the cabinet;

(b) Specifications of drill holes and casing
 proposed to be used;

(c) A plan for treatment, confinement or
 disposal of all acid-forming, toxic-forming or
 radioactive gases, solids, or liquids
 constituting a fire, health, safety or
 environmental hazard caused by the mining and
 recovery process; and

(d) Plans for monitoring surface and ground
 water and air quality, as required by the
 cabinet.

(3) Criteria for approval. No permit shall be
 issued for operations covered by this section
 unless the cabinet first finds, in writing, upon
 the basis of a complete application made in
 accordance with subsection (2) of this section
 that the operation will be conducted in
 compliance with all requirements of this chapter
 relating to underground mining activities, and
 405 KAR 20:080 and 405 KAR Chapter 18.

Section 2. Augering. (1) General. This section
 applies to any person who conducts or intends to
 conduct surface coal mining and reclamation
 operations utilizing augering operations. Any
 application for a permit for operations covered
 by this section shall contain, in the mining and
 reclamation plan, a description of the augering
 methods to be used and the measures to be used
 to comply with 405 KAR 20:030. No permit shall
 be issued for any operations covered by this
 section unless the cabinet finds, in writing,
 that in addition to meeting all other applicable
 requirements of this chapter, the operation will
 be conducted in compliance with 405 KAR 20:030.

(2) Augering on previously mined lands.

(a) In addition to other requirements of 405
 KAR Chapter 8, each application for a permit to
 conduct auger mining on an area mined prior to
 May 3, 1978, and not reclaimed to the standards
 of Title 405 shall contain such information as
 the cabinet deems necessary to describe the
 proposed affected area and method of operation
 and show that the proposed method of operation
 will result in stable postmining conditions, and
 reduce or eliminate adverse environmental
 conditions created by previous mining activities.

(b) If the cabinet determines that the
 affected area cannot be stabilized and reclaimed
 subsequent to augering or that the operation
 will result in adverse impact to the proposed
 permit area or adjacent area, the permit shall
 not be issued.

(c) The cabinet shall, consistent with all
 applicable requirements of KRS Chapter 350 and
 405 KAR Chapters 7 through 24, issue a permit if
 the applicant demonstrates that the proposed
 surface coal mining operations will provide for

reduction or elimination of the highwall, or reduction or abatement of adverse impacts resulting from past mining activities, or stabilization or enhancement of the previously mined area.

(d) The cabinet shall ensure that all applicable performance standards can be met.

Section 3. Prime Farmlands. (1) Applicability. This section applies to any person who conducts or intends to conduct surface coal mining and reclamation operations on prime farmlands historically used for cropland except:

(a) Any permit issued prior to August 3, 1977.

(b) Any renewal or revision of a permit issued prior to August 3, 1977. For the purposes of this paragraph, "renewal" of a permit shall mean a decision by the cabinet to extend the time by which the permittee may complete mining within the boundaries of the original permit, and "revision" of the permit shall mean a decision by the cabinet to allow changes in the method of mining operations within the original permit area, or the decision of the cabinet to allow incidental boundary changes to the original permit; or

(c) Lands included in any existing surface mining operation, for which a permit was issued for all or any part thereof prior to August 3, 1977, provided that:

1. Such lands are part of a single continuous mining pit begun under a permit issued before August 3, 1977;

2. The permittee had a legal right to mine the lands prior to August 3, 1977 through ownership, contract, or lease but not including an option to buy, lease or contract; and

3. The lands contained part of a continuous recoverable coal seam that was being mined in the pit begun under a permit issued prior to August 3, 1977.

(d) For the purposes of this subsection a pit shall be deemed to be a single continuous mining pit even if portions of the pit are crossed by a road, pipeline, railroad or powerline or similar crossing.

(2) Application requirements. If land within the proposed permit area is identified as prime farmland under 405 KAR 8:030, Section 21 or 405 KAR 8:040, Section 21, the applicant shall submit a plan for the mining and restoration of the land. Each plan shall contain, at a minimum:

(a) A soil survey of the permit area according to the standards of the National Cooperative Soil Survey and in accordance with the procedures set forth in U.S. Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951). The soil survey shall include a map unit, and representative soil profile description for each prime farmland soil within the permit area unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey are available and their use is approved by the cabinet.

(b) The proposed method and type of equipment to be used for removal, storage, and replacement of the soil in accordance with 405 KAR 20:040.

(c) A demonstration that excessive compaction will be avoided in replacement of the soil.

(d) The location of areas to be used for the separate stockpiling of the soil and plans for soil stabilization before redistribution.

(e) If applicable, documentation, such as agricultural school studies or other scientific

data from comparable areas, that supports the use of other suitable material, instead of the A, B, or C soil horizon, to obtain on the restored area equivalent or higher levels of yield as non-mined prime farmlands in the surrounding area under equivalent levels of management.

(f) Plans for seeding or cropping the final graded disturbed land and the conservation practices to be used to adequately control erosion and sedimentation and restoration of an adequate soil moisture regime, during the period from completion of regrading until release of the performance bond or equivalent guarantee under 405 KAR Chapter 10. Proper adjustments for seasons must be proposed so that final graded land is not exposed to erosion during seasons when vegetation or conservation practices cannot be established due to weather conditions.

(g) Available agricultural school studies or other scientific data for areas with comparable soils, climate, and management (including water management) that demonstrate that the proposed method of reclamation will achieve, within a reasonable time, equivalent or higher levels of yield after mining as existed before mining.

(3) Cabinet consultation with the Secretary of Agriculture.

(a) Before any permit is issued for areas that include prime farmlands, the cabinet shall consult with the Secretary of Agriculture.

(b) The Secretary of Agriculture may provide for review and comment of the proposed method of soil reconstruction in the plan submitted under subsection (2) of this section. The secretary may suggest revisions resulting in more complete and adequate reconstruction.

(c) Consultations shall be accomplished through the office of the State Conservationist of the U.S. SCS.

(4) Criteria for approval. A permit for the mining and reclamation of prime farmland may be granted by the cabinet, if it first finds, in writing, upon the basis of a complete application, that:

(a) The approved proposed postmining land use of these prime farmlands will be cropland;

(b) The permit incorporates as specific conditions the contents of the plan submitted under subsection (2) of this section, after consideration of any revisions to that plan suggested by the Secretary of Agriculture under subsection (3) of this section;

(c) There is a technologically feasible plan to restore the prime farmland, within a reasonable time, to equivalent or higher levels of yield as non-mined prime farmland in the surrounding area under equivalent levels of management; and

(d) The proposed operations will be conducted in compliance with the requirements of 405 KAR 20:040 and other environmental protection performance and reclamation standards for mining and reclamation of prime farmland of 405 KAR Chapters 7 through 24.

Section 4. Mountaintop Removal Mining. (1) Applicability. This section applies to any person who conducts or intends to conduct surface mining activities by mountaintop removal mining.

(2) Mountaintop removal mining means surface mining activities, where the mining operation removes an entire coal seam or seams running through the upper fraction of a mountain, ridge,

or hill, except as provided for in 405 KAR 20:050, Section 1(6), by removing substantially all of the overburden off the bench and creating a level plateau or a gently rolling contour, with no highwalls remaining, and capable of supporting postmining land uses in accordance with the requirements of this section.

(3) Criteria for approval. The cabinet may issue a permit for mountaintop removal mining, without regard to the requirements of 405 KAR 16:190 to restore the lands disturbed by such mining to their approximate original contour, if it first finds, in writing, on the basis of a complete application, that the following requirements are met:

(a) The proposed postmining land use of the lands to be affected will be an industrial, commercial, agricultural, residential, or public facility (including recreational facilities) use and, if:

1. After consultation with the appropriate land-use planning agencies, if any, the proposed land use is deemed by the cabinet to constitute an equal or better economic or public use of the affected land compared with the pre-mining use;

2. The applicant demonstrates compliance with the requirements for acceptable alternative postmining land uses of 405 KAR 16:210;

3. The proposed use would be compatible with adjacent land uses and existing state and local land use plans and programs; and

4. The cabinet has provided, in writing, an opportunity of not more than sixty (60) days to review and comment on such proposed use to the governing body of general purpose government in whose jurisdiction the land is located and any state or federal agency which the cabinet, in its discretion, determines to have an interest in the proposed use.

(b) The applicant has demonstrated that, in place of restoration of the land to be affected to the approximate original contour under 405 KAR 16:190, the operation will be conducted in compliance with the requirements of 405 KAR 20:050.

(c) The requirements of 405 KAR 20:050 are made a specific condition of the permit.

(d) All other requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24 are met by the proposed operations.

(e) The permit is clearly identified as being for mountaintop removal mining.

(4) Periodic review:

(a) Any permits issued under this section shall be reviewed by the cabinet to evaluate the progress and development of mining activities to establish that the permittee is proceeding in accordance with the terms of the permit:

1. Within the sixth month preceding the third year from the date of its issuance;

2. Before each permit renewal; and

3. Not later than the middle of each permit term.

(b) Any review required under paragraph (a) of this subsection need not be held if the permittee has demonstrated and the cabinet finds, in writing, within three (3) months before the scheduled review, that all operations under the permit are proceeding and will continue to be conducted in accordance with the terms of the permit and requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(5) Modifications of permit. The terms and conditions of a permit for mountaintop removal mining may be modified at any time by the

cabinet, if it determines that more stringent measures are necessary to insure that the operation involved is conducted in compliance with the requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24.

Section 5. Steep Slope Mining. (1) This section applies to any persons who conduct or intend to conduct steep slope surface coal mining and reclamation operations, except:

(a) Where an applicant proposes to conduct surface coal mining and reclamation operations on flat or gently rolling terrain, leaving a plain or predominantly flat area, but on which an occasional steep slope is encountered as the mining operation proceeds;

(b) Where a person obtains a permit under the provisions of Section 4 of this regulation; or

(c) To the extent that a person obtains a permit incorporating a variance under Section 6 of this regulation.

(2) Any application for a permit for surface coal mining and reclamation operations covered by this section shall contain sufficient information to establish that the operations will be conducted in accordance with the requirements of 405 KAR 20:060, Section 2.

(3) No permit shall be issued for any operations covered by this section, unless the cabinet finds, in writing, that in addition to meeting all other requirements of this chapter, the operation will be conducted in accordance with the requirements of 405 KAR 20:060, Section 2.

Section 6. Variances from Approximate Original Contour Restoration Requirements for Steep Slope Mining. (1) General.

(a) Applicability. This section applies to non-mountaintop removal, steep slopes surface coal mining and reclamation operations where the operation is not to be reclaimed to achieve the approximate original contour required by 405 KAR 16:190 or 405 KAR 18:190 and 405 KAR 20:060, Section 2(3).

(b) This section provides for a variance from approximate original contour restoration requirements on steep slopes for surface coal mining and reclamation operations to:

1. Improve watershed control of lands within the permit area and on adjacent lands, when compared to the watershed control which would exist were the area restored to the approximate original contour; and

2. Make land within the permit area, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities.

(2) Criteria for approval. The cabinet may issue a permit for surface mining activities incorporating a variance from the requirements for restoration of the affected lands to their approximate original contour only if it first finds, in writing, on the basis of a complete application, that all of the following requirements are met:

(a) The applicant has demonstrated that the purpose of the variance is to make the lands to be affected within the permit area suitable for an industrial, commercial, residential, or public use postmining land use.

(b) The proposed use, after consultation with the appropriate land-use planning agencies, if any, constitutes an equal or better economic or public use.

(c) The applicant has demonstrated compliance with the requirements for acceptable alternative postmining land uses of 405 KAR 16:210 or 405 KAR 18:220, as appropriate.

(d) The applicant has demonstrated that the watershed of lands within the proposed permit area and adjacent areas will be improved by the operations. The watershed will only be deemed improved if:

1. There will be a reduction in the amount of total suspended solids or other pollutants discharged to ground or surface waters from the permit area as compared to such discharges had the area been restored to approximate original contour, so as to improve public or private uses or the ecology of such waters; or, there will be reduced flood hazards within the watershed containing the permit area by reduction of the peak flow discharges from precipitation events or thaws; or, there will be an increase in streamflow during times of the year when the stream is normally at low flow or dry conditions and such increase in streamflow is determined by the cabinet to be beneficial to public or private users or the ecology of such streams; and

2. The total volume of flows from the proposed permit area, during every season of the year, will not vary in a way that adversely affects the ecology of any surface water or any existing or planned use of surface or ground water.

(e) The applicant has demonstrated that the owner of the surface of the lands within the permit area has knowingly requested, in writing, as part of the application, that a variance be granted. The request shall show an understanding that the variance could not be granted without the surface owner's request.

(f) The applicant has demonstrated that the proposed operations will be conducted in compliance with the requirements of 405 KAR 20:060, Section 3.

(g) All other requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24 will be met by the proposed operations.

(3) If a variance is granted under this section:

- (a) The requirements of 405 KAR 20:060, Section 3 shall be made a specific condition of the permit.

- (b) The permit shall be specifically marked as containing a variance from approximate original contour.

(4) Periodic review.

- (a) Any permits incorporating a variance issued under this section shall be reviewed by the cabinet to evaluate the progress and development of the mining activities, to establish that the permittee is proceeding in accordance with the terms of the variance:

1. Within the sixth month preceding the third year from the date of this issuance;

2. Before each permit renewal; and

3. Not later than the middle of each permit term.

- (b) If the permittee demonstrates to the cabinet at any of the times specified in paragraph (a) of this subsection that the operations involved have been and continue to be conducted in compliance with the terms and conditions of the permit, the requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24, the review required at that time need not be held.

- (5) Modifications of permit. The terms and conditions of a permit incorporating a variance

under this section may be modified at any time by the cabinet, if it determines that more stringent measures are necessary to insure that the operations involved are conducted in compliance with the requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24.

Section 7. Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Mining Operations. (1) Applicability.

(a) This section applies to any permittee who conducts or intends to conduct combined surface mining activities and underground mining activities where contemporaneous reclamation as required by 405 KAR 16:020 is not practicable and a delay is requested to allow underground mining activities to be conducted before the reclamation operations for the surface mining activities can be completed.

(b) This section provides only for delay in reclamation of surface mining activities, if that delay will allow underground mining activities to be conducted to ensure both maximum practical recovery of coal resources and to avoid multiple future disturbances of surface lands or waters.

(2) Application requirements. Any applicant who desires to obtain a variance under this section shall file with the cabinet complete applications for both the surface mining activities and underground mining activities which are to be combined. The mining and reclamation operation plans for these permits shall contain appropriate narratives, maps, and plans which:

- (a) Show why the proposed underground mining activities are necessary or desirable to assure maximum practical recovery of coal;

- (b) Show how multiple future disturbances of surface lands or waters will be avoided;

- (c) Identify the specific surface areas for which a variance is sought and the particular sections of KRS Chapter 350 and 405 KAR Chapters 7 through 24 from which a variance is being sought;

- (d) Show how the activities will comply with 405 KAR 20:020 and other applicable requirements of 405 KAR Chapters 7 through 24;

- (e) Show why the variance sought is necessary for the implementation of the proposed underground mining activities;

- (f) Provide an assessment of the adverse environmental consequences and damages, if any, that will result if the reclamation of surface mining activities is delayed; and

- (g) Show how off-site storage of spoil will be conducted to comply with the requirements of KRS Chapter 350 and 405 KAR 16:130.

(3) Criteria for approval. A permit incorporating a variance under this section may be issued by the cabinet if it first finds, in writing, upon the basis of a complete application filed in accordance with this section that:

- (a) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining activities;

- (b) The proposed underground mining activities are necessary or desirable to assure maximum practical recovery of the mineral resources and will avoid multiple future disturbances of surface land or waters;

- (c) The applicant has satisfactorily demonstrated that the applications for the

surface mining activities and underground mining activities conform to the requirements of 405 KAR Chapters 7 through 24 and that all other permits necessary for the underground mining activities have been issued by the appropriate authority;

(d) The surface area of surface mining activities proposed for the variance have been shown by the applicant to be necessary for implementing the proposed underground mining activities;

(e) No substantial adverse environmental damage, either on-site or off-site, will result from the delay in completion of reclamation otherwise required by KRS Chapter 350 and 405 KAR 16:020;

(f) The operations will, insofar as a variance is authorized, be conducted in compliance with the requirements of 405 KAR 20:020;

(g) Provisions for off-site storage of spoil will comply with the requirements of KRS Chapter 350 and 405 KAR 16:130;

(h) Liability under the performance bond required to be filed by the applicant with the cabinet pursuant to 405 KAR Chapter 10 shall be for the duration of the underground mining activities and until all requirements of 405 KAR Chapter 10 have been complied with; and

(i) The permit for the surface mining activities contains specific conditions:

1. Delineating the particular surface areas for which a variance is authorized;

2. Identifying the particular requirements of 405 KAR 20:020 which are to be complied with, in lieu of the otherwise applicable provisions of KRS Chapter 350 and 405 KAR Chapter 16; and

3. Providing a detailed schedule for compliance with the particular requirements of 405 KAR 20:020 identified under subparagraph 2 of this paragraph.

(4) Periodic review. Variances granted under permits issued under this section shall be reviewed by the cabinet no later than three (3) years from the dates of issuance of the permit and any permit renewals.

Section 8. Coal Processing Plants [or Support Facilities] Not Located Within the Permit Area of a Specified Mine. (1) Applicability. This section applies to any person who operates or intends to operate coal processing plants [and associated support facilities] not within a permit area of a specific mine, other than such plants which are located at the site of ultimate coal use. Notwithstanding the provisions of 405 KAR 7:015, the provisions of RAM #33, "Coal Processing Operations and Crushing and Loading Facilities," are null and void.

(2) Permit required. Any person who operates or intends to construct or operate such a coal processing plant [or support facility] shall [have] obtain[ed] a permit from the cabinet under 405 KAR Chapters 7 through 24.

(3) Previously exempted operations. This subsection applies only to those coal processing plants subject to 405 KAR 20:070, Section 5.

(a) On or before February 1, 1986, all persons operating a coal processing plant who intend to operate after August 1, 1986 shall file an initially complete (as defined in 405 KAR 8:010, Section 13(1)(a)) permit application under 405 KAR Chapters 7 through 24. No person may operate a coal processing plant after August 1, 1986 unless that operation is being conducted under a permit issued under 405 KAR Chapters 7 through

24, except that person may continue to operate a coal processing plant after August 1, 1986 without a permit if:

1. An initially complete permit application has been timely filed. "Timely filed" shall mean filed on or before February 1, 1986, or, if filed within that time but determined to be initially incomplete, resubmitted within fifteen (15) calendar days of being served notice by the cabinet that the application is initially incomplete. Such notice shall be served in accordance with 405 KAR 7:090, Section 6.

2. The cabinet has yet to issue or deny the permit; and

3. The person complies with the performance standards of 405 KAR 20:070.

(b) The applicant shall file a performance bond under 405 KAR Chapter 10 within sixty (60) calendar days of being served notice of the decision by the cabinet to issue the permit. Such notice shall be served in accordance with 405 KAR 7:090, Section 6. If the performance bond is not filed within that time the cabinet shall deny the permit application.

(c) Any time limits for cabinet action specified in 405 KAR 8:010 shall not apply to permit applications filed under this subsection; provided, however, the cabinet shall make every effort to timely review and issue or deny such permit applications prior to August 1, 1986.

[(3) Criteria for approval.]

(4) Application.

(a) Any application for a permit for operations covered by this section shall be in accordance with 405 KAR 8:030 and, as applicable, 405 KAR 8:050 and shall contain in the mining and reclamation plan, specific plans, including descriptions, maps and drawings of the construction, operation, maintenance, reclamation and removal of the coal processing plants [and associated support facilities]. The plan shall demonstrate that those operations will be conducted in compliance with 405 KAR 20:070.

(b) For permit applications for operations subject to subsection (3) of this section, the requirements of 405 KAR 8:030, Section 21, and 405 KAR 8:050, Section 3, shall not apply to lands disturbed by the coal processing plants prior to December 1, 1985.

(c) Permit applications for operations subject to subsection (3) of this section, which were timely filed in accordance with subsection (3)(a)1 of this section, need not contain the information required under 405 KAR 8:030, Sections 12, 13, 14(3), and 15(4). Any such applicant failing to make a timely filing shall be required to submit this information.

(5) Criteria for approval. [(b)] No permit shall be issued for any operation covered by this section unless the cabinet finds, in writing, that, in addition to meeting all other applicable requirements of this chapter, the operations will be conducted in compliance with the requirements of 405 KAR 20:070.

(6) Applicability of amendments to this section. The amendments to this section shall become applicable on December 1, 1985.

Section 9. Statement of Emergency. (1) The amendments to this regulation revise the permit application requirements for off-site coal processing plants and establishes an orderly process for permitting those plants that were previously exempted from regulation. This is

necessary to comply with an order of the U.S. District Court, Eastern District of Kentucky, Civil Action No. 82-30.

(2) The amendments are being promulgated in an emergency regulation because the cabinet must initiate action in accordance with the compliance schedule of the judicial order prior to the time that an ordinary administrative regulation could be promulgated.

(3) This emergency regulation will be replaced by an ordinary administrative regulation.

CHARLOTTE E. BALDWIN, Secretary
APPROVED BY AGENCY: November 14, 1985
FILED WITH LRC: December 2, 1985 at 11 a.m.

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining Reclamation
and Enforcement

405 KAR 20:070E. Offsite coal processing plants [and support facilities].

RELATES TO: KRS 350.010, 350.151, 350.465
PURSUANT TO: KRS Chapter 13A, 350.028, 350.151, 350.465

EFFECTIVE: December 2, 1985

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate environmental protection performance standards for all surface coal mining and reclamation operations. This regulation sets forth certain performance standards for offsite coal processing plants [and support facilities].

Section 1. Applicability. This regulation establishes performance standards for coal processing plants that are not located within the permit area for a specific mine. This regulation shall not apply to coal processing plants which are located at the site of ultimate coal use.

Section 2. Performance Standards. Construction, operation, maintenance, modification, reclamation, and removal activities at coal processing plants shall comply with the provisions of 405 KAR Chapter 16 and 405 KAR 20:040, except as provided in this section and Section 5 of this regulation.

(1) Those provisions of 405 KAR 16:060 related to stream buffer zones shall not apply except that the findings required for approval of a stream buffer zone variance shall apply to any proposal to divert an intermittent or perennial stream.

(2) 405 KAR 16:010, Section 2, coal recovery, shall not apply.

(3) 405 KAR 16:010, Section 4, slide and erosion barriers, and Section 5, slides, shall not apply.

(4) 405 KAR 18:020 shall apply in lieu of 405 KAR 16:020.

(5) 405 KAR 16:040, casing and sealing of drilled holes, shall not apply.

(6) 405 KAR 16:120, use of explosives, shall not apply.

(7) 405 KAR 16:190, Section 5, thick overburden, shall not apply.

(8) 405 KAR 16:250, Section 2(2), minimize damage, destruction or disruption of utility services, shall not apply.

(9) 405 KAR 20:060, steep slopes, shall not

apply.

Section 3. Nearby Underground Mining Activities. Adverse effects upon, or resulting from, nearby underground mining activities shall be minimized by appropriate measures, including but not limited to, compliance with 405 KAR 16:010, Section 3.

Section 4. Water Supply Replacement. Any permittee shall replace the water supply of an owner of interest in real property who obtains all or part of his or her supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source, when the water supply has been adversely impacted by contamination, diminution, or interruption proximately resulting from the coal processing plant activities.

Section 5. Previously Exempted Operations. Those coal processing plants in existence on December 1, 1985 which were previously exempted from the requirements of 405 KAR Chapters 7 through 24 by the provisions of KRS 350.060(22) and which become subject to the provisions of this regulation on December 1, 1985 shall comply with all provisions of Sections 1 through 4 of this regulation, except as provided in this section.

(1) 405 KAR 16:010, Section 3, shall not apply to areas disturbed prior to December 1, 1985.

(2) For surface areas that are without suitable topsoil, 405 KAR 16:050, Section 1(3) shall apply.

(3) The requirements of 405 KAR 16:070, Section 1(1)(a) shall not apply until final action on the permit application by the cabinet and the sedimentation pond or other treatment facility design has been approved by the cabinet or the exemption provided by 405 KAR 16:070, Section 1(1)(c) has been granted. The cabinet, as a condition of the permit, may approve a reasonable time to construct or modify water treatment facilities.

(4) Any coal processing plant in existence on May 3, 1978, may comply with the backfilling and grading requirements of 405 KAR 16:190, Section 7.

(5) 405 KAR 20:040, prime farmland, shall not apply to any prime farmland disturbed prior to December 1, 1985.

(6) The ground water monitoring requirements of 405 KAR 16:110 shall not apply until final action on the permit application by the cabinet and the ground water monitoring plan is approved.

Section 6. Applicability of Amendments to this Regulation. The amendments to this regulation, excluding Section 7, Statement of Emergency, shall become applicable on December 1, 1985.

Section 7. Statement of Emergency. (1) The amendments to this regulation revise the performance standards for off-site coal processing plants. This is necessary to comply with an order of the U.S. District Court, Eastern District of Kentucky, Civil Action No. 82-30.

(2) The amendments are being promulgated in an emergency regulation because the cabinet must initiate action in accordance with the compliance schedule of the judicial order prior to the time that an ordinary administrative regulation could be promulgated.

[(3) This emergency will be replaced by an ordinary administrative regulation.]

[Section 1. Applicability. Each person who conducts surface coal mining and reclamation operations, which includes the operation of a coal processing plant or support facility which is not located within the permit area for a specific mine, shall obtain a permit in accordance with 405 KAR 8:050 to conduct those operations and comply with Section 2.]

[Section 2. Performance Standards. Construction, operation, maintenance, modification, reclamation, and removal activities at operations covered by this regulation shall comply with the following:]

[(1) Signs and markers for the coal processing plant, coal processing waste disposal area, and water treatment facilities shall comply with 405 KAR 18:030.]

[(2) Roads, transport, and associated structures shall be constructed, maintained, and reclaimed in accordance with 405 KAR 18:230 and 405 KAR 18:260.]

[(3) Any stream or channel realignment shall comply with 405 KAR 18:080, Section 2.]

[(4) If required by the cabinet, any disturbed area related to the coal processing plant or associated facilities shall have sediment control structures, in compliance with 405 KAR 18:060, Section 2 and 405 KAR 18:090, and all discharges from these areas shall meet the requirements of 405 KAR 18:060, Section 1 and 405 KAR 18:070 and any other applicable state or federal law.]

[(5) Permanent impoundments associated with coal processing plants shall meet the requirements of 405 KAR 18:100 and 405 KAR 18:060, Section 8. Dams constructed of or impounding coal processing waste shall comply with 405 KAR 18:160.]

[(6) Use of water wells shall comply with 405 KAR 18:060, Section 6.]

[(7) Disposal of coal processing waste, solid waste, and any excavated materials shall comply with 405 KAR 18:140, 405 KAR 18:150 and 405 KAR 18:130.]

[(8) Discharge structures for diversions and sediment control structures shall comply with 405 KAR 18:060, Section 3.]

[(9) Air pollution control measures associated with fugitive dust emissions shall comply with 405 KAR 18:170.]

[(10) Fish, wildlife and related environmental values shall be protected in accordance with 405 KAR 18:180.]

[(11) Slide areas and other surface areas shall comply with 405 KAR 18:010, Section 3.]

[(12) Adverse effects upon or resulting from nearby underground coal mining activities shall be minimized by appropriate measures including, but not limited to, compliance with 405 KAR 18:060, Section 8.]

[(13) Reclamation shall include proper topsoil handling procedures, revegetation, and abandonment, in accordance with 405 KAR 18:060, Section 9, 405 KAR 18:190, 405 KAR 18:200, 405 KAR 18:220, and 405 KAR 18:010, Sections 4 and 5.]

[(14) Conveyors, buildings, storage bins or stockpiles, water treatment facilities, water storage facilities, and any structure or system related to the coal processing plant shall comply with Title 405, Chapter 18.]

[(15) Any coal processing plant or associated structures located on prime farmland shall meet the requirements of 405 KAR 20:040.]

[(16) Any permittee shall replace the water supply of an owner of interest in real property who obtains all or part of his or her supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source, where the water supply has been affected by contamination, diminution, or interruption proximately resulting from the operation of the coal processing plant or support facility.]

CHARLOTTE E. BALDWIN, Secretary

APPROVED BY AGENCY: November 14, 1985

FILED WITH LRC: December 2, 1985 at 11 a.m.

STATEMENT OF EMERGENCY

KRS 156.070(2) requires the rules, regulations, and by-laws adopted by the Kentucky High School Athletic Association to be approved by the State Board of Education, and 702 KAR 7:070, Section 2(1), adopts and incorporates the 1984-85 version of said rules.

When KHSAA previously made its annual report to the state board, such report included various changes in its by-laws made last spring, but newly-published copies of the updated rules for 1985-86 were inadvertently not submitted, and no formal amendment to 702 KAR 7:070 was adopted.

Since the 1985-86 school year has already begun, the current version of KHSAA's rules and by-laws need to be put into full force and effect immediately. The emergency regulation will be replaced by an ordinary administrative regulation.

MARTHA LAYNE COLLINS, Governor

ALICE McDONALD, Superintendent

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Local Services

702 KAR 7:070E. Interscholastic athletic eligibility and requirements; redshirting prohibited.

RELATES TO: KRS 156.070

PURSUANT TO: KRS 156.070

EFFECTIVE: November 18, 1985

NECESSITY AND FUNCTION: KRS 156.070 gives the State Board of Education the management and control of interscholastic athletics in the common schools, and the authority to designate an organization or agency to manage such athletics. This regulation is needed to establish with the public common schools a uniform system of eligibility to participate in interscholastic athletics and to designate an organization to manage interscholastic athletics in the secondary schools.

Section 1. Eligibility to Participate in Elementary School Athletics. (1) No pupil in the public common schools repeating the sixth grade during the 1985-86 school year, or enrolled in grades seven (7) through eight (8) during said year or thereafter and not subject to subsection (2) of this section, shall be eligible to participate in interscholastic athletics the second, or any subsequent, year the pupil is

enrolled in the same grade, and no public common school shall participate in an athletic contest with another school that does not adhere to this policy.

(2) Any pupil enrolling in the sixth grade of a public common school, and not repeating said grade, during the 1985-86 school year, and any subsequent sixth grade enrollee, shall have three (3) school years from the time of initial sixth grade enrollment to complete his or her eligibility in elementary school interscholastic athletics. No public common school shall participate in an athletic contest with another school that does not adhere to this policy.

Section 2. Eligibility to Participate in Secondary School Athletics. (1) The eligibility of students to participate in interscholastic athletics at the secondary level shall be governed by the constitution bylaws and tournament rules of the Kentucky High School Athletic Association (KHSAA), 1985-86 [1984-85], a copy of which is presented herewith for filing with the Legislative Research Commission and incorporated by reference. A copy of said rules may be obtained from the Office of Instruction, Department of Education, Frankfort, Kentucky 40601.

(2)(a) Effective with the 1985-86 school year, pupils enrolling in the sixth grade of any school shall have seven (7) school years from the time of such enrollment to complete their eligibility in high school interscholastic athletics subject to the jurisdiction of KHSAA.

(b) No pupil enrolled in the seventh or eighth grade in 1985-86, or thereafter, and not subject to paragraph (a) of this subsection, shall be eligible for more than a total of one (1) year in each grade.

(c) No student who initially enrolled in the ninth grade during or prior to the 1985-86 school year or who is not otherwise subject to paragraph (a) of this subsection, and who has been enrolled in grades 9-12 eight (8) semesters, shall thereafter be eligible.

(d) The KHSAA shall adopt the provisions of this subsection as a part of its by-laws and shall fully implement and enforce said eligibility requirements for all high school athletics subject to its jurisdiction.

Section 3. Any public elementary or secondary school or school employee or official who knowingly allows participation of an ineligible player hereunder, or who, through reasonable diligence, should have known of such ineligibility, shall be considered in noncompliance with state accreditation standards or guilty of willful neglect of duty or breach of contract. Such shall apply not only to coaches but also to personnel supervising coaches; such as but not limited to an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent, or a school board member.

ALICE McDONALD, Superintendent

APPROVED BY AGENCY: November 6, 1985

FILED WITH LRC: November 18, 1985 at 8 a.m.

STATEMENT OF EMERGENCY

Under KRS Chapter 13A the administrative body is required to implement this regulation or not have the authority to operate. Therefore, in order to continue to operate the Cabinet for Human Resources in accordance with KRS Chapter 194, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice since no administrative regulation has been filed with respect to these subject matters previously. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with House Bill 334.

MARTHA LAYNE COLLINS, Governor
E. AUSTIN, JR., Secretary

CABINET FOR HUMAN RESOURCES Department for Mental Health and Mental Retardation Services

902 KAR 12:080E. Policies and procedures for mental health/mental retardation facilities.

RELATES TO: KRS Chapter 210

PURSUANT TO: KRS 210.010

EFFECTIVE: November 18, 1985

REPLACED: December 10, 1985

NECESSITY AND FUNCTION: KRS 210.010 directs the Secretary of the Cabinet for Human Resources to prescribe regulations for the institutions under the control of the cabinet. The function of this regulation is to adopt policies and procedures for such institutions.

Section 1. Oakwood Policy Manual. The policies set forth in the September 1, 1985, edition of the "Oakwood Policy Manual" consisting of three (3) volumes relating to the operation of Oakwood ICF-MR Facility are hereby adopted by reference.

Section 2. Hazelwood Policy Manual. The policies and procedures set forth in the October 15, 1985, edition of the "Hazelwood Policy Manual" consisting of two (2) volumes relating to the operation of Hazelwood ICF-MR Facility are hereby adopted by reference.

Section 3. Central State Hospital ICF-MR Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Central State Hospital ICF-MR Policy Manual" consisting of two (2) volumes relating to the operation of Central State Hospital ICF-MR Facility are hereby adopted by reference.

Section 4. Eastern State Hospital Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Eastern State Hospital Policy Manual" consisting of twenty-one (21) volumes relating to the operation of Eastern State Hospital Facility are hereby adopted by reference.

Section 5. Central State Hospital Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Central State Hospital Policy Manual" consisting of nineteen (19) volumes relating to the operation of Central State Hospital Facility are hereby adopted by reference.

Section 6. Western State Hospital Policy

Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Western State Hospital Policy Manual" consisting of thirty-two (32) volumes relating to the operation of Western State Hospital Facility are hereby adopted by reference.

Section 7. Glasgow ICF Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Glasgow ICF Policy Manual" consisting of twelve (12) volumes relating to the operation of Glasgow ICF Facility are hereby adopted by reference.

Section 8. Western State Hospital ICF Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Western State Hospital ICF Policy Manual" consisting of nine (9) volumes relating to the operation of Western State Hospital ICF Facility are hereby adopted by reference.

Section 9. Volta Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Volta Policy Manual" consisting of one (1) volume relating to the operation of Volta Facility are hereby adopted by reference.

Section 10. Kentucky Correctional Psychiatric Center Policy Manual. The policies and procedures set forth in the November 1 [September 1], 1985, edition of the "Kentucky Correctional Psychiatric Center Policy Manual" consisting of thirteen (13) volumes relating to the operation of Kentucky Correctional Psychiatric Center Facility are hereby adopted by reference.

Section 11. Location of Manuals Referenced in This Regulation. A copy of each manual referenced in this regulation is on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky, and is open to public inspection.

Section 12. Summary of Amendment.

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL

Policy

#J1 B-34

A new policy is developed to provide for hospitalization of inmates committed to the Corrections Cabinet. This policy also provides for hospitalization of inmates on an involuntary basis according to KRS Chapter 202A and in compliance with Vitek vs. Jones. This new policy brings the policies and procedures of the Kentucky Correctional Psychiatric Center in compliance with existing policies of the Corrections Cabinet.

[Section 2 is revised as follows:

HAZELWOOD POLICY MANUAL

87-1-2 #4 Management Audit Plan.
This policy outlines the responsibilities for oversight and review of facility activities to assure that information is properly communicated, and once reviewed, necessary actions taken. It appears to have no financial impact.

87-3-5 #49 Administration of PPD Skin Test.
This policy was updated to be in compliance with the new regulations pertaining to employees' skin tests. There is no financial impact from the policy.

87-4-1 #6B Vehicle Regulations.
This is a policy update and better complies with the facility's current needs in parking and enforcement of facility parking regulations. No financial impact.

87-4-2 #11B Receipt and Deposit of Funds.
This is a policy update which more clearly outlines the handling of funds in the facility. No financial impact.

87-5-1 #18A Family/Guardian Notification of Injury or Illness.
This policy was revised to more clearly specify family/guardian notification in cases of injury or illness of residents. No financial impact.

87-5-5 #28A Attachment to Emergency Pharmaceutical Services.
An update of the Memorandum of Agreement for Emergency Pharmaceutical Services. This memorandum is updated annually. No financial impact.

87-5-7 #21 Records Review.
This is a policy addition which adds a built-in review of facility records in a survey inspector-type manner. No financial impact.

87-6-7 #2B Behavior Management Programs.
The previous policy on Behavior Management was in compliance with the ICF/MR regulations only. The revised policy meets the requirements of ICF/MR and also meets the standards of the ACMRDD Accreditation Council. The new policy reflects the more current techniques utilized in the field of behavioral management. This policy does not appear to have any financial costs related.]

DENNIS D. BOYD, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: November 12, 1985

FILED WITH LRC: November 18, 1985 at 8 a.m.

PROPOSED AMENDMENTS

REVENUE CABINET
Department of Professional & Support Services
(Proposed Amendment)

103 KAR 27:080. Meals served by railroads, airlines [airplanes], etc.

RELATES TO KRS 139.050, 139.110, 139.130

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to meals served by railroads, airlines [airplanes] or other transportation facilities.

Section 1. Gross receipts or sales price, as the case may be, includes sales of meals by railroads, pullman car, airlines [airplane] or other transportation companies [company diners], while within the state.

Section 2. In cases where meals are served without a separately stated [in this state free of] charge to the passengers of the foregoing companies, the company will be considered the consumer of the meals and the tax applies at the time of their sale to the company[, or at the time such meals are served or consumed in this state].

GARY W. GILLIS, Secretary

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 13, 1985 at noon.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 21, 1986 at 10 a.m. in Room 406 of the Capitol Annex, Frankfort, Kentucky. If no written notice of intent to attend the public hearing is received within five (5) days before the scheduled hearing, the hearing will be cancelled. Those interested in attending shall notify in writing: Scott Akers, Revenue Cabinet, Division of Tax Policy and Legal Services, New Capitol Annex Building, Frankfort, Kentucky 40620.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Scott Akers

(1) Type and number of entities affected: This amendment clarifies this regulation's conformity with the statutes and cabinet policy. In 1978 it was determined that there was no sales tax exemption for food or fuel purchased by interstate air carriers within this state. This regulation had been interpreted to mean that food purchased in this state by air carriers was only subject to sales tax if the air passenger who consumed the food did so while within the boundaries of the state of Kentucky. The correct rule is that the tax applies at the time the air carrier makes the purchase since the air carrier is the consumer. The food is not being resold to the air passengers and, thus, the air carriers purchases are not exempt as sales for resale. The amended language of this regulation conforms to the court's ruling in Delta Airlines, Inc. v. Revenue, Ky., 689 S.W.2d 14 (1985). There the court found that fuel purchased by air carriers within the state of Kentucky was subject to sales tax without regard to whether all of the fuel was consumed within the boundaries of the

state of Kentucky. The court noted that there is no exemption for air carriers other than that contained in KRS 139.480(16). That provision contains no exemption for food purchased by an interstate air carrier.

(a) Direct and indirect costs or savings to those affected:

1. First year: Currently the Revenue Cabinet has assessed over \$600,000 against airlines who failed to remit sales tax on purchases of food within the State of Kentucky. This amended regulation will further establish the validity of those assessments.

2. Continuing costs or savings: Air carriers and other common carriers will continue to be liable for the payment of sales tax on their food purchases.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None.

(b) Reporting and paperwork requirements: All persons engaged in selling food to common carriers are required to collect the sales tax and remit it with their monthly sales tax returns.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: There will be no significant costs or savings involved here since the regulation is merely being amended to clarify its conformity with current policy and practice.

2. Continuing costs or savings: There will be no additional costs or savings other than the fact that the amendment will continue to assure that sales tax is collected on the sales in question. Amendment of the regulation will eliminate a potential, though rather weak, defense some taxpayers may have to the assessment. As long as the current version of the regulation remains on the books there will be some taxpayers who will contend that even though their interpretation of the regulation may not have any statutory basis it is still valid because it comports with Revenue's pre-1978 interpretation. This position ignores the fact that a regulation must conform to the statutes upon which it is based in order to be valid. See Mansbach Metal Company vs. Revenue, Ky., 521 S.W.2d 85 (1975). The primary benefit of amending this regulation is simply to eliminate any ambiguity as to its meaning and application.

3. Additional factors increasing or decreasing costs: None.

(b) Reporting and paperwork requirements: The normal reporting and paperwork attributable to routine maintenance of taxpayer records will be required.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on local revenues. State revenues should be enhanced somewhat by increased taxpayer compliance with the law.

(4) Assessment of alternative methods; reasons why alternatives were rejected: None. This amendment results because the current regulation is not in conformity with the law.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None.

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Tiering is not applicable to this amended regulation since the terms and conditions of the regulation apply equally to all persons who are engaged in buying or selling food for consumption by interstate common carriers.

**FINANCE AND ADMINISTRATION CABINET
State Board of Examiners of Social Work
(Proposed Amendment)**

201 KAR 23:120. Equivalency standard.

RELATES TO: KRS 335.090

PURSUANT TO: KRS Chapter 13A, 335.070

NECESSITY AND FUNCTION: This regulation clarifies what the board will consider as equivalent education to that of a baccalaureate degree in social work or a social welfare program.

Section 1. In determining equivalency, the board will compare any program to that of a master's or bachelor's degree from a CSWE (council of social work educators) accredited school.

In determining equivalency, the board will require that the educational content of a program shall include (1) human behavior and [or] the social environment; (2) social welfare policy and service; (3) research; (4) social work practice; and (5) educational practicum.

Section 2. (1) In human behavior and the social environment emphasis should be placed on the psychosocial situation. Six (6) hours of such courses should be at the upper division, or three (3) hours if such is built on a base of psychological and sociological courses.

(2) Social welfare policy and service courses shall include at least three (3) hours at the upper division social work or social welfare courses, built on courses in political science and economics. In the absence of political science and economics, there shall be at least six (6) hours in the social welfare policies and services area.

(3) Research courses shall be one three (3) hour social research course based on some kind of basic research.

(4) Social work practicum shall include six (6) hours of social work practice courses taught by an individual with an advanced degree in social work. In the absence of classes in lower division social work methods, three (3) additional hours shall be required in a lower division course, totalling nine (9) hours.

(5) Practicum shall be taught by an individual with an advanced degree in social work for at least 450 hours. Two (2) hours per week of supervision shall be required by an individual with an advanced degree in social work.

KENNETH PHILLIPS, Chairman

APPROVED BY AGENCY: November 18, 1985

FILED WITH LRC: December 6, 1985 at 9 a.m.

PUBLIC HEARING SCHEDULED: Please take notice that a hearing on the amendment to the above regulation has been scheduled for January 22, 1986 at 10 a.m. at the offices of the State Board of Examiners of Social Work, Berry Hill Annex, Frankfort, Kentucky. Any individual wishing to be present or appear at the hearing must notify Ms. Betty Qualls, Secretary to the Board, at least five (5) days prior to the hearing. If no one requests a hearing five (5) days before the scheduled date, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ms. Betty Qualls

(1) Type and number of entities affected: None

(a) Direct and indirect costs or savings to those affected: No cost.

1. First year: No cost.

2. Continuing costs or savings: No cost.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No cost.

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: No cost.

1. First year: No cost.

2. Continuing costs or savings: No cost.

3. Additional factors increasing or decreasing costs: No cost.

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. N/A

**CORRECTIONS CABINET
(Proposed Amendment)**

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

PURSUANT TO: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on November 15, 1985 and hereinafter should be referred to as Corrections Policies and Procedures or institutional policies and

procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

(1) The corrections policies and procedures:

- 1.1 Legal Assistance for Corrections Staff
- 1.2 News Media
- 1.6 Extraordinary Occurrence Reports
- 1.11 Population Counts and Reporting Procedures
- 2.1 Inmate Canteen
- 3.1 Code of Ethics
- 3.2 Inclement Weather and Emergency Conditions Policy
- 3.3 Holding of Second Jobs by Bureau Employees
- 3.7 Employment of Relatives
- 3.10 Staff Clothing and Personal Appearance
- 3.12 Institutional Staff Housing
- 3.14 Corrections Cabinet Payroll Deduction Policy and Procedure
- 4.1 Attendance at Professional Meetings
- 4.2 Staff Training and Development
- 4.3 Firearms and Chemical Agents Training
- 4.4 Educational Assistance Program
- 6.1 Open Records Law
- 8.4 Emergency Preparedness
- 9.1 Use of Force
- 9.3 Transportation of Convicted Offenders
- 9.4 Transportation of Inmates to Funerals or Bedside Visits
- 9.5 Return of Escapees by Automobile
- 9.6 Contraband
- 9.7 Storage, Issue and Use of Weapons Including Chemical Agents
- 9.8 Search Policy
- 9.9 Transportation of Inmates
- 9.10 Security Inspections
- 9.15 Institutional Entry and Exit Policy and Procedures
- 9.18 Informants
- 10.1 Inmates Serving a Sentence of Death
- 10.2 Special Management Inmates
- 10.3 Safekeepers
- 10.4 Special Needs Inmates
- 11.2 Nutritional Adequacy of the Diet for Inmates
- 11.3 Special Diet Procedures
- 12.1 Resident Clothing
- 13.1 Pharmacy Policy and Formulary
- 13.2 Health Maintenance Services
- 13.3 Medical Alert System
- 13.4 Health Program Audits
- 14.2 Personal Hygiene Items
- 14.3 Marriage of Inmates
- 14.4 Legal Services Program
- 15.1 Hair and Grooming Standards
- 15.2 Offenses and Penalties
- 15.3 Meritorious Good Time
- 15.4 Governor's Meritorious Good Time Award
- 15.5 Restoration of Forfeited Good Time
- 15.6 Adjustment Procedures and Programs
- 16.1 General Inmate Visiting Procedure
- 16.2 Inmate Correspondence
- 16.3 Telephone Calls
- 17.1 Inmate Personal Property
- 17.2 Assessment Center Operations
- 17.3 Controlled Intake of Inmates
- 18.4 Classification of the Inmate
- 18.5 Custody/Security Guidelines
- 18.6 Classification Document
- 18.7 Transfers
- 18.8 Guidelines for Transfers Between Institutions
- 18.9 Out-of-State Transfers
- 18.10 Pre-Parole Progress Reports

- 18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
- 18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
- 18.13 Population Categories
- 19.1 Government Services Projects
- 19.2 Community Services Projects
- 20.1 Study Release
- 20.6 Vocational Study Release
- 22.1 Privilege Trips
- 25.1 Gratuities
- 25.2 Public Official Notification of Release of an Inmate
- 25.3 Pre-Release
- 25.4 Inmate Furloughs
- 25.6 Community Center Program (Amended 12/13/85)
- 25.7 Expedient Release
- 25.8 Extended Furloughs
- 27.1 Supervision: Case Classification
- 27.2 Risk/Needs Administration
- 27.4 Supervision Plan: General
- 27.8 Travel Restrictions
- 27.9 Conditions of Supervision
- 27.10 Preliminary Revocation Procedures
- 27.11 Apprehension and Transportation of Violators of Probation, Parole and Conditional Release
- 27.12 Fugitive Section/Probation and Parole
- 27.13 Supervision Fee
- 27.18 Absconder Procedures
- 27.19 Technical Violators
- 27.20 Intensive Supervision
- 28.2 Investigations: General
- 28.3 Pre-Sentence Investigations (To the Court)
- 28.4 Pre-Parole (Pre-Sentence) Investigation (To the Institution and State Parole Board)
- 28.5 Special Report to the Parole Board
- 28.7 Out-of-State Investigations

(2) The Kentucky State Reformatory Procedures Memorandum:

- KSR 01-00-09 Public Information and News Media Relations
- KSR 01-00-10 Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
- KSR 01-00-14 Extraordinary Occurrence Report
- KSR 01-00-15 Cooperation and Coordination with Oldham County Court
- KSR 01-00-18 Assistant Duty Officers
- KSR 01-00-19 Personal Service Contract Personnel
- KSR 02-00-01 Inmate Canteen
- KSR 02-00-03 Screening Disbursements from Inmate Personal Accounts
- KSR 02-00-11 Inmate Personal Accounts
- KSR 02-00-12 Institutional Funds and Issuance of Checks
- KSR 03-00-01 Shift Assignment/Reassignment
- KSR 03-00-02 Employee Dress and Personal Appearance
- KSR 03-00-05 Intra-Agency Promotional Opportunity Announcements
- KSR 03-00-06 Employee Time and Attendance
- KSR 03-00-07 Travel Expense Reimbursement
- KSR 03-00-08 Employee Tuition Assistance Reimbursement (Amended 12/13/85)
- KSR 03-00-10 Workers' Compensation (Amended 12/13/85)
- KSR 03-00-11 Equal Employment Opportunity Complaints
- KSR 03-00-12 Employee Grievance Procedure

ADMINISTRATIVE REGISTER - 1159

KSR 03-00-14	Prohibited Employee Conduct, Disciplinary Actions, and Appeals Process (<u>Amended 12/13/85</u>)	KSR 13-00-06	Services for Mentally Retarded Inmates
KSR 03-00-15	Affirmative Action Program	KSR 13-00-07	Referral of Inmates Considered to Have Severe Emotional Disturbances
KSR 03-00-16	Confidentiality of Personnel Records (<u>Amended 12/13/85</u>)	KSR 13-00-08	Institutional Laboratory Procedures
KSR 03-00-19	Establishment of Personnel Records and Employee Right to Challenge Information Contained Therein (<u>Amended 12/13/85</u>)	KSR 13-00-09	Institutional Pharmacy Procedures
KSR 03-00-20	Personnel Selection, Retention and Promotion	KSR 13-00-10	Requirements for Medical Personnel
KSR 03-00-21	Equal Employment Opportunities for Institutional Job Assignments and Job Classification Promotions	KSR 13-00-11	Preliminary Health Evaluation and Establishment of Inmate Medical Record
KSR 03-00-23	Work Planning and Performance Review (WPPR) (<u>Amended 12/13/85</u>)	KSR 13-00-12	Vision Care/Optomety Services
KSR 03-00-24	Incident Weather and Employee Work Attendance	KSR 13-00-14	Periodic Health Examinations for Inmates
KSR 03-00-25	Medical Examination Requirements for New Employees	KSR 13-00-15	Medical Alert System
KSR 04-00-02	Staff Training and Development	KSR 13-00-16	Suicide Prevention and Intervention Program
KSR 05-00-02	Research Activities	KSR 14-00-01	Inmate Rights
KSR 05-00-03	Management Information Systems	KSR 14-00-02	A/C Center and Unit D Inmate Access to Legal Aide Services
KSR 06-00-01	Inmate Master File	KSR 14-00-04	Inmate Grievance Procedure
KSR 06-00-02	Records Audit	KSR 15-00-01	Operational Procedures and Rules and Regulations for Unit A, B, and C
KSR 06-00-03	Security of Inmate Records	KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)
KSR 07-00-02	Institutional Tower Room Regulations	KSR 15-00-03	Governor's Meritorious Good Time Award (<u>Amended 12/13/85</u>)
KSR 07-00-03	Guidelines for Contractors	KSR 15-00-04	Restoration of Forfeited Good Time (<u>Amended 12/13/85</u>)
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family	KSR 15-00-05	Differential Status for SU (QUIT) Inmates
KSR 08-00-08	Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery, or Death of an Inmate	KSR 15-00-06	Inmate I.D. Cards
KSR 08-00-09	Emergency Preparedness Training	KSR 15-00-07	Inmate Rules and Discipline - Adjustment Committee Procedures
KSR 09-00-04	Horizontal Gates/Box 1 Enter and Exit Procedure	KSR 16-00-01	Visiting Regulations
KSR 09-00-05	Gate I Entrance and Exit Procedure	KSR 16-00-02	Inmate Correspondence and Mailroom Operations
KSR 09-00-14	Use of Force	KSR 16-00-03	Inmate Access to Telephones
KSR 09-00-21	Crime Scene Camera	KSR 17-00-01	Housing Unit Assignment
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence	KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 09-00-23	Drug Abuse Testing	KSR 17-00-04	Assessment/Classification Center Operations, Rules and Regulations
KSR 09-00-25	Inmate Motor Vehicle Operator's License	KSR 17-00-05	Dormitory 10 Operations
KSR 10-00-02	Special Management Inmates - Operations, Rules and Regulations for Unit D	KSR 17-00-06	Identification Department Admissions and Discharge Procedures (<u>Amended 12/13/85</u>)
KSR 10-00-03	Special Needs Unit	KSR 17-00-07	Inmate Personal Property
KSR 10-00-04	Unit D Admission/Release Ticket	KSR 18-00-01	Special Management Inmates - Unit D Classification
KSR 11-00-01	Meal Planning for the General Population	KSR 18-00-04	Returns from Other Institutions
KSR 11-00-02	Special Diets	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center
KSR 11-00-03	Food Service Inspections	KSR 18-00-06	Classification
KSR 11-00-04	Dining Room Dress Code for Inmates	KSR 18-00-07	<u>Special Notice Form (Added December 13, 1985)</u>
KSR 11-00-06	Health Standards/Regulations for Food Service Employees	KSR 19-00-01	Inmate Work Incentives
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates	KSR 19-00-02	On-the-Job Training Program
KSR 12-00-01	Inmate Summer Dress Regulations	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 12-00-02	Sanitation and General Living Conditions	KSR 20-00-01	Vocational School Referral and Release Process
KSR 12-00-03	State Items Issued to Inmates (<u>Amended 12/13/85</u>)	KSR 20-00-03	Academic School Programs
KSR 12-00-07	Regulations for Inmate Barbershop	KSR 20-00-04	Criteria for Participation in Jefferson Community College Program
KSR 13-00-01	Identification of Mentally Retarded Inmates	KSR 20-00-08	Integration of Vocational and Academic Education Programs
KSR 13-00-02	Regulations for Hospital Patients	KSR 21-00-01	Legal Aide Office and Law Library Services and Supervision (<u>Amended 12/13/85</u>)
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds	KSR 21-00-02	Inmate Library Services
KSR 13-00-04	Dental Care for Inmates	KSR 21-00-03	Library Services for Unit D (<u>Amended 12/13/85</u>)
KSR 13-00-05	Medical and Dental Sick Call	KSR 22-00-03	Inmate Organizations

ADMINISTRATIVE REGISTER - 1160

KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives	KSP 070000-05	Emergency Medical Procedure
KSR 23-00-03	Religious Programming	KSP 070000-13	Pharmacy Procedures
KSR 25-00-01	Discharge of Residents to Hospital or Nursing Home	KSP 070000-14	Medical Records
KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough	KSP 070000-16	Psychiatric and Psychological Services
KSR 25-00-03	Pre-Parole Progress Report	KSP 070000-17	Dental Services for Special Management Units
(3) The Kentucky State Penitentiary Operations Memorandum:		KSP 070000-19	Optometric Services
KSP 000000-06	Administrative Regulations	KSP 070000-20	Menu Preparation and Planning
KSP 010000-04	Public Information and Media Communication	KSP 070000-24	Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 020000-01	General Guidelines for KSP Employees	KSP 070000-25	Food Service Inspections
KSP 020000-02	Service Regulations, Attendance, Hours of Work, Accumulation and Use of Leave (<u>Amended 12/13/85</u>)	KSP 070000-30	Therapeutic Diets
KSP 020000-03	Work Planning and Performance Review (WPPR)	KSP 090000-01	Inmate Work Programs (<u>Amended 12/13/85</u>)
KSP 020000-04	Employee Disciplinary Procedure	KSP 090000-03	Correctional Industries (<u>Amended 12/13/85</u>)
KSP 020000-05	Proper Dress for Uniformed and Non-Uniformed Personnel	KSP 100000-02	Visiting Program
KSP 020000-06	Employee Grievance Procedure	KSP 100000-03	Disposition of Unauthorized Property
KSP 020000-07	Personnel Registers and Advertisements	KSP 100000-04	Inmate Grooming and Dress Code
KSP 020000-09	Maintenance, Confidentiality, and Informational Challenge of Material Contained in Personnel Files	KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items (<u>Amended 12/13/85</u>)
KSP 020000-10	Overtime Policy	KSP 100000-06	Mail
KSP 020000-15	Legal Assistance	KSP 100000-07	Inmate Telephone Access
KSP 020000-20	Equal Employment Opportunity Complaints	KSP 100000-08	Behavioral Counseling Record
KSP 020000-23	Recruitment and Employment of Ex-Offenders	KSP 100000-09	Due Process/Disciplinary Procedures (<u>Amended 12/13/85</u>)
KSP 020000-24	Educational Assistance Program	KSP 100000-11	Authorized and Unauthorized Property for Inmates
KSP 020000-25	Mediation and Appeal Procedure for WPPR	KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 020000-29	Promotional Opportunity Announcement Program	KSP 100000-15	Uniform Standards for Fire Safety, Sanitation and Security of all Cells (<u>Amended 12/13/85</u>)
KSP 030000-01	Inventory Records and Control	KSP 100000-18	Inmate Grievance Committee Hearings
KSP 030000-04	Requisition and Purchase of Supplies and Equipment (<u>Amended 12/13/85</u>)	KSP 100000-20	Legal Services Program
KSP 030000-05	Inmate Personal Funds (<u>Amended by Court Order 11/20/85</u>)	KSP 100000-21	Photocopies for Non-Indigent Inmates with Special Court Deadlines
KSP 030000-06	Inmate Commissary Program	KSP 100000-22	Special Management Unit Legal Services Program
KSP 040000-02	Inmate Records Section	KSP 100000-24	Resident Legal Services Office
KSP 040000-08	Inmate Equal Opportunity Policy	KSP 100000-25	WKFC Resident - Access to Kentucky State Penitentiary Legal Library
KSP 050000-14	Searches of Inmates, Visitors, Staff, Vehicles, Cells and Area Shakedown and Preservation of Evidence	KSP 110000-03	Governor's Meritorious Good Time Award Committee
KSP 060000-01	Telephones	KSP 110000-04	Pre-Parole Progress Report
KSP 060000-02	Operational Procedures for Disciplinary Segregation, Administrative Segregation, Control and Behavioral Control Units	KSP 110000-06	General Guidelines of the Classification Committee
KSP 060000-04	Operational Procedures for Special Management Inmates Assigned to Protective Custody	KSP 110000-07	Statutory Good Time Restoration
KSP 060000-11	Criteria for Disciplinary Segregation and Incentive Time Reduction Program	KSP 110000-08	Award of Meritorious Good Time
KSP 060000-12	Maximum Protective Custody	KSP 110000-10	Special Needs Inmates
KSP 070000-01	Hospital Services	KSP 110000-11	Classification Committee - Transfer Requests
KSP 070000-02	Sick Call	KSP 110000-12	Classification Committee - Inmate Work Assignments
KSP 070000-03	Health Evaluations	KSP 110000-13	Classification Document
KSP 070000-04	Consultations	KSP 110000-14	Vocational School Placement
		KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
		KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release
		KSP 110000-19	Custody/Security Guidelines
		KSP 120000-04	Academic Education
		KSP 120000-07	Community Center Program
		KSP 120000-08	Inmate Furloughs

ADMINISTRATIVE REGISTER - 1161

KSP 120000-11 Religious Services - Staffing
(Amended 12/13/85)
KSP 120000-18 Religious Services - Religious Programming
KSP 120000-20 Marriage of Inmates
KSP 120000-24 Muslim Services
KSP 120000-31 Extended Furloughs
KSP 120000-32 Discharge of Inmates by Shock Probation
KSP 130000-10 Execution Plan

(4) The Luther Lockett Correctional Complex Policies and Procedures:

LLCC 01-08-01 Institutional Legal Assistance
LLCC 01-09-01 Public Information and News Media Access
LLCC 01-12-01 Duty Officer Responsibilities
LLCC 02-01-02 Fiscal Management: Accounting Procedures
LLCC 02-01-03 Fiscal Management: Agency Funds
LLCC 02-01-04 Fiscal Management: Insurance
LLCC 02-03-01 Fiscal Management: Audits
LLCC 02-06-01 Property Inventory
LLCC 03-01-01 General Guidelines for LLCC Employees
LLCC 03-01-02 Service Regulations, Attendance Accumulation and use of Leave
LLCC 03-02-01 Proper Dress for Uniformed Personnel
LLCC 03-03-01 Employee Grievance Mechanism
LLCC 03-04-01 Employee Records
LLCC 03-05-01 Personnel Registers
LLCC 03-06-01 Work Planning: Employee Evaluations and Evaluation Control
LLCC 03-08-01 Shift Transfers
LLCC 03-08-02 Rotation of Correctional Officers Between Central Security and Unit Management Staff
LLCC 03-09-01 Promotion Board
LLCC 03-10-01 Affirmative Action: EEO
LLCC 03-12-01 Confidentiality of Information Roles and Services of Consultants, Contract Personnel and Volunteers
LLCC 08-01-01 Offender Records
LLCC 08-04-01 Storage of Expunged Records
LLCC 10-03-09 Duties and Responsibilities of Building 1 and 2 Officer
LLCC 11-03-01 LLCC Population Categories
LLCC 11-07-01 Adjustment Procedures for Minor Rule Violations
LLCC 11-09-01 Rules and Regulations of the Unit
LLCC 11-13-01 Inmate Dress and Use of Access Areas
LLCC 11-15-01 Post-Parole Furloughs
LLCC 11-16-01 Restoration of Forfeited Good Time
LLCC 11-18-02 Use of Monitor Telephone
LLCC 11-19-01 Unit Shakedown/Control of Excess Property
LLCC 11-20-01 Program Services for "Special Needs"/Mentally Ill Inmates
LLCC 12-01-01 Special Management Inmates
LLCC 12-04-01 Guidelines for (7E) PC Unit/General Living Conditions
LLCC 13-04-01 Food Service: Meals
LLCC 13-04-02 Food Service: Menu, Nutrition and Special Diets
LLCC 13-05-02 Medical Screening of Food Handlers
LLCC 13-06-01 Food Service: Inspections and Sanitation
LLCC 13-07-01 Food Service: Purchasing, Storage and Farm Products
LLCC 14-01-01 Sanitation, Living Condition Standards, and Cloting Issue

LLCC 14-05-01 Institutional Inspections
LLCC 15-01-01 Health Maintenance Services; Sick Call and Pill Call
LLCC 15-02-01 Mental Health/Psychological Services
LLCC 15-03-01 Pharmacy
LLCC 15-03-02 Use of Psychotropic Medications
LLCC 15-04-01 Dental Services
LLCC 15-05-02 Licensure and Training Standards
LLCC 15-06-02 Specialized Health Services
LLCC 15-06-03 Emergency Medical/Dental Care Services
LLCC 15-06-04 First Aid/CPR Training Program
LLCC 15-06-05 Suicide Prevention and Intervention Program
LLCC 15-07-01 Health Records
LLCC 15-08-01 Special Diets
LLCC 15-12-01 Special Needs Unit
LLCC 15-14-01 Informed Consent
LLCC 15-15-01 Medical Restraints
LLCC 15-16-01 Health Education/Special Health Programs
LLCC 16-01-01 Inmate Rights and Responsibilities
LLCC 16-02-01 Inmate Grievance Procedure
LLCC 16-03-01 Inmate Legal Services
LLCC 17-01-01 Due Process/Disciplinary Procedure
LLCC 18-01-01 Inmate Correspondence
LLCC 18-02-01 Inmate Visiting
LLCC 18-02-03 Extended Visit and Furloughs
LLCC 18-03-03 Inmate Visiting (DSU/ASU)
LLCC 20-01-01 Personal Property Control
LLCC 20-02-01 Authorized Inmate Personal Property
LLCC 20-03-01 Unauthorized Items
LLCC 20-04-02 Inmate Canteen
LLCC 20-05-01 Inmate Control of Personal Funds
LLCC 20-05-02 Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 20-06-01 Procedure for Sending Appliances to Outside Dealers for Repair
LLCC 21-02-01 Classification/Security Levels
LLCC 21-03-01 Classification Process
LLCC 22-01-01 OJT/Job Assignments
LLCC 23-01-01 Academic School
LLCC 26-01-01 Religious Services
LLCC 28-01-01 Privileged Trips
LLCC 28-03-01 Temporary Release/Community Center Release
LLCC 28-04-01 Pre-Parole Progress Report
LLCC 28-04-02 Parole Eligibility Dates

(5) The Northpoint Training Center Policies and Procedures:

NTC 01-05-01 Extraordinary Occurrence Reports
NTC 01-10-01 Legal Assistance for Staff
NTC 01-11-01 Political Activities of Merit Employees
NTC 01-15-01 Establishment of the Warden as Chief Executive Officer
NTC 01-17-01 Relationships with Public, Media and Other Agencies
NTC 02-01-02 Fiscal Management: Accounting Procedures
NTC 02-01-03 Fiscal Management: Checks
NTC 02-01-04 Fiscal Management: Insurance
NTC 02-03-01 Fiscal Management: Audits
NTC 02-08-01 Inmate Canteen
NTC 03-01-01 Employee Dress Code
NTC 03-02-01 General Guidelines for NTC Employees
NTC 03-03-01 Staff Members Suspected of Being Under the Influence of Intoxicants

ADMINISTRATIVE REGISTER - 1162

NTC 03-04-01	Shift Assignments and Transfers	NTC 15-03-01	Rules for Inmates Assigned to Outside Detail
NTC 03-05-01	Work Planning and Performance Review	NTC 15-03-02	Rules and Regulations for Dormitories (<u>Amended 12/13/85</u>)
NTC 03-06-01	Worker's Compensation	NTC 15-04-01	Inmate Identification
NTC 03-07-01	Merit System Registers and Placement of Advertisements	NTC 16-01-01	Mail Regulations
NTC 03-08-02	Employee Identification Cards	NTC 16-02-01	Visiting (<u>Amended 12/13/85</u>)
NTC 03-09-01	Maintenance, Confidentiality and Challenge of Information Contained in Employee Personnel File	NTC 16-02-02	Extended and Special Visits
		NTC 16-02-03	Honor Dorm Visiting
NTC 03-10-01	Employment of Ex-Offenders	NTC 16-03-01	Inmate Furloughs
NTC 03-13-01	Travel Reimbursement for Official Business and Professional Meetings	NTC 16-05-01	Telephone Use and Control
		NTC 17-01-01	Personal Property Control
NTC 03-14-01	Selection, Retention, Promotion, and Lateral Transfer of Merit System Employees	NTC 17-01-02	Authorized Inmate Personal Property
NTC 03-14-02	Promotional Opportunities	NTC 17-01-03	Unauthorized Inmate Property
NTC 03-15-01	Time and Attendance; Accumulation and Use of Accrued Time	NTC 17-01-04	Disposition of Unauthorized Property
NTC 03-15-02	Sick Leave Abuse	NTC 17-03-01	Orientation
NTC 03-15-03	Inclement Weather and Emergency Conditions	NTC 18-01-01	Pre-Parole Progress Report
NTC 03-16-01	EEO - Affirmative Action	NTC 18-01-02	Parole Eligibility Dates
NTC 03-17-01	Employee Grievance Procedure	NTC 18-02-01	Classification (<u>Amended 12/13/85</u>)
NTC 03-17-02	Review Committee	NTC 18-05-01	Transfers to Other Institutions
NTC 03-18-01	Educational Assistance Program	NTC 19-01-01	Inmate Work Program
NTC 03-19-01	Holding of Second Jobs by Employees	NTC 20-01-01	Academic School Program
		NTC 21-01-01	Library Services
NTC 04-01-01	Training and Staff Development	NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs
NTC 06-01-01	Offender Records	NTC 23-01-01	Religious Services
NTC 06-01-02	Records - Release of Information	NTC 23-03-01	Marriage of Inmates
NTC 06-01-03	Taking Offender Record Folders onto the Yard	NTC 24-04-01	Honor Status
		NTC 24-05-01	Unit Management
NTC 08-05-01	Duties of Fire Safety Officer	NTC 25-01-01	Release Preparation Program
NTC 08-05-02	Fire Procedures	NTC 25-01-02	Temporary Release/Community Center Release
NTC 08-05-03	Fire Prevention	NTC 25-02-01	Funeral Trips and Bedside Visits
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use	NTC 25-03-01	Inmate Release Procedure
NTC 08-05-05	Control of Flammables, Toxic, Caustic, and Other Hazardous Chemicals and Janitorial Supplies	NTC 26-01-02	Certification of Volunteers and Guests
NTC 10-01-01	Special Management Inmates		(6) The Kentucky Correctional Institution for Women Policies and Procedures:
NTC 10-01-02	Legal Aide Visits for Special Management Inmates	KCIW 01-06-01	Legal Assistance for Corrections Staff
NTC 11-03-01	Food Services: General Guidelines	KCIW 01-08-01	News Media Access
NTC 11-04-01	Food Service: Meals	KCIW 02-01-01	Comprehensive Insurance Coverage
NTC 11-04-02	Menu, Nutrition and Special Diets	KCIW 02-02-01	Fiscal Management: Audits
NTC 11-05-02	Medical Screening of Food Handlers	KCIW 02-02-03	Fiscal Management: Checks
NTC 11-06-01	Inspections and Sanitation	KCIW 02-03-01	Inventory Control of Non-Expendable Personal Property
NTC 11-07-01	Purchasing, Storage and Farm Products	KCIW 02-03-03	Criteria for Selection of Bidders and Vendors
NTC 12-01-01	Institutional Inspections	KCIW 02-04-01	Accounting Procedures
NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens	KCIW 02-05-01	Inmate Canteen/Staff Canteen
NTC 12-02-02	Personal Hygiene Items	KCIW 02-07-01	Release of C.E.T.A. Money Earned
NTC 13-01-01	Emergency Medical Care Plan	KCIW 03-01-01	Travel Expense Reimbursement
NTC 13-01-02	Emergency and Specialized Health Services	KCIW 03-02-01	General Orders for all Staff
NTC 13-03-01	Sick Call and Pill Call	KCIW 03-03-01	Employee Grievance Procedure
NTC 13-04-01	Pharmacy	KCIW 03-05-01	Employee Personnel File
NTC 13-05-01	Dental Services	KCIW 03-06-01	Affirmative Action EEO and the Equal Employment Opportunity Complaint Procedure
NTC 13-06-01	Licensure and Training Standards	KCIW 03-08-01	Employee Performance Evaluations
NTC 13-08-01	Medical and Dental Records	KCIW 03-09-01	Payroll and Personnel Manning Records
NTC 13-09-01	Special Diets	KCIW 03-10-01	Promotion Committee
NTC 13-11-01	Inmate Health Evaluation	KCIW 03-11-01	Personnel Registers
NTC 13-12-01	Disabled and Infirm Inmates	KCIW 03-12-01	Criminal History Checks on all Personnel and the Recruitment and Employment of Ex-Offenders
NTC 13-13-01	Medical Alert System		Inmate Records
NTC 14-01-01	Legal Services Program	KCIW 06-01-01	Transfers to Community Centers and the Minimum Security Unit
NTC 14-02-01	Inmate Grievance Procedure	KCIW 06-01-02	Storage of Expunged Records
NTC 14-03-01	Inmate Rights and Responsibilities		
NTC 15-01-01	Restoration of Forfeited Good Time		
NTC 15-02-01	Due Process/Disciplinary Procedures		
NTC 15-02-02	Extra Duty Assignments		

(6) The Kentucky Correctional Institution for Women Policies and Procedures:

KCIW 01-06-01	Legal Assistance for Corrections Staff
KCIW 01-08-01	News Media Access
KCIW 02-01-01	Comprehensive Insurance Coverage
KCIW 02-02-01	Fiscal Management: Audits
KCIW 02-02-03	Fiscal Management: Checks
KCIW 02-03-01	Inventory Control of Non-Expendable Personal Property
KCIW 02-03-03	Criteria for Selection of Bidders and Vendors
KCIW 02-04-01	Accounting Procedures
KCIW 02-05-01	Inmate Canteen/Staff Canteen
KCIW 02-07-01	Release of C.E.T.A. Money Earned
KCIW 03-01-01	Travel Expense Reimbursement
KCIW 03-02-01	General Orders for all Staff
KCIW 03-03-01	Employee Grievance Procedure
KCIW 03-05-01	Employee Personnel File
KCIW 03-06-01	Affirmative Action EEO and the Equal Employment Opportunity Complaint Procedure
KCIW 03-08-01	Employee Performance Evaluations
KCIW 03-09-01	Payroll and Personnel Manning Records
KCIW 03-10-01	Promotion Committee
KCIW 03-11-01	Personnel Registers
KCIW 03-12-01	Criminal History Checks on all Personnel and the Recruitment and Employment of Ex-Offenders
KCIW 06-01-01	Inmate Records
KCIW 06-01-02	Transfers to Community Centers and the Minimum Security Unit
KCIW 06-01-03	Storage of Expunged Records

ADMINISTRATIVE REGISTER - 1163

KCIW 10-01-01	Special Management Unit: General Operation and Regulations	KCIW 18-05-01	Special Needs Inmates
KCIW 10-01-02	Special Management Unit Programs, Placement and Review	KCIW 18-06-01	Status Codes
KCIW 11-01-01	Food Service Operation Inspections	KCIW 19-01-01	Inmate Work/Program Assignments
KCIW 11-01-02	Budgeting, Accounting, and Purchasing Procedures for Food Products	KCIW 19-03-01	Landscape and Maintenance Work Details
KCIW 11-02-01	Menu Preparation/Special Diets	KCIW 20-01-01	Education Programs
KCIW 11-03-01	General Guidelines for Food Service Operations Manager	KCIW 20-01-03	Vocational Education: Curriculum Flexible Schedule, up-grade programs and release preparation program
KCIW 11-03-02	General Guidelines for Food Service Workers	KCIW 20-01-04	Entry - Exit Vocational School
KCIW 11-04-01	Health Standards, Regulations for Food Service Employees	KCIW 20-01-05	Vocational Programs: Approved, assessed and contain guidelines for vocational records
KCIW 12-01-01	Control of Pests and Vermin	KCIW 20-01-06	Vocational Education: Staffing patterns/requirements
KCIW 12-02-01	Laundry Facilities/Clothing Issuance	KCIW 20-01-07	Vocational Counselor
KCIW 12-02-03	Donated Items	KCIW 20-01-08	Vocational Education: Community Resources and the integration with academic progress
KCIW 12-04-01	Sanitation and General Living Conditions	KCIW 20-01-09	Vocational Education: Support Equipment
KCIW 13-01-01	Provision of Medical and Dental Care	KCIW 20-01-10	Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
KCIW 13-01-02	Preliminary Health Screening and Appraisal	KCIW 22-01-04	Inmate Club Activities
KCIW 13-01-03	Use of Pharmaceutical Products	KCIW 23-01-01	Religious Services
KCIW 13-03-01	Emergency Care	KCIW 25-01-01	Pre-Parole Progress Report
KCIW 13-03-02	Infirmary Care and Outside Services	KCIW 25-02-01	Temporary Release/Community Center
KCIW 13-03-03	Outside Hospital Security	KCIW 25-02-02	Furloughs
KCIW 13-04-01	Medical Alert System	KCIW 25-03-01	Escorted Leave into the Community
KCIW 13-04-02	Psychiatric/Psychological Services		
KCIW 13-06-01	Informed Consent		
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines		
KCIW 13-08-01	Medical Exams for New Employees		
KCIW 14-01-02	Inmate Rights		
KCIW 14-02-01	Access to Attorneys and Designated Counsel Substitutes		
KCIW 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs		
KCIW 14-04-01	Inmate Grievance Procedure		
KCIW 15-01-01	Offenses and Penalties		
KCIW 15-01-02	Adjustment Committee Procedures and Programs		
KCIW 15-03-01	Inmate Rule Book		
KCIW 15-04-01	Incentive Levels System		
KCIW 16-01-01	Inmate Correspondence		
KCIW 16-01-02	Inmate Mail Distribution		
KCIW 16-01-03	Staff Mail		
KCIW 16-02-01	Inmate Access to Telephone		
KCIW 16-02-02	Intra-Institution Phone Calls		
KCIW 16-03-01	Inmate Visiting Regulations		
KCIW 16-03-02	Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages		
KCIW 16-04-01	Inmate Indigent Fund		
KCIW 16-05-01	Vendor Packages, Appliance Orders and Drug Store Orders		
KCIW 17-01-01	Assessment Center Operation and Reception Programs		
KCIW 17-01-02	Assessment/Classification Center Operations, Rules and Regulations		
KCIW 17-01-03	Assessment and Classification Unit Property Guidelines		
KCIW 17-02-01	Identification Department Admissions		
KCIW 17-03-01	Notifying Inmates Families of Admission and Procedures for Mail and Visiting		
KCIW 17-05-01	Inmate Personal Property		
KCIW 18-01-02	Institution Housing Assignments		
KCIW 18-02-01	Classification Procedures		

(7) The Food Service Manual, Offender Records Manual, Classification Manual and Livestock Procedures Manual are hereby approved by the Secretary of the Corrections Cabinet as authorized by KRS 196.035, 197.020, 439.470, 439.590 and 439.640.

GEORGE W. WILSON, Secretary
 APPROVED BY AGENCY: December 12, 1985
 FILED WITH LRC: December 13, 1985 at 11 a.m.
 PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 23, 1986 at 9 a.m. at the auditorium in the State Office Building. Those interested in attending this hearing shall notify in writing: Barbara Jones, Office of General Counsel, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara W. Jones
 (1) Type and number of entities affected: 1,987 employees of the Corrections Cabinet, 4,677 inmates, 3,436 parolees, 6,544 probationers, and all visitors to state correctional institutions.
 (a) Direct and indirect costs or savings to those affected:
 1. First year: None
 2. Continuing costs or savings: None
 3. Additional factors increasing or decreasing costs (note any effects upon competition): None
 (b) Reporting and paperwork requirements: None
 (2) Effects on the promulgating administrative body:
 (a) Direct and indirect costs or savings:
 1. First year: None. All of the costs involved with the implementation of the regulation are included in the operational budget.
 2. Continuing costs or savings: Same as (2)(a)1.
 3. Additional factors increasing or decreasing

costs: Same as (2)(a)1.

(b) Reporting and paperwork requirements: Weekly submission of policy revisions.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. All policies are administered in a uniform manner.

EDUCATION AND HUMANITIES CABINET Department of Education Office of Local Services (Proposed Amendment)

702 KAR 3:190. Maximum class sizes.

RELATES TO: KRS 157.360

PURSUANT TO: KRS 156.070, 157.360

NECESSITY AND FUNCTION: KRS 157.360(2)(b) prescribes that the Superintendent of Public Instruction shall enforce maximum class sizes for every academic course requirement of the State Board of Education in kindergarten and grades one (1) through six (6), except in vocal and instrumental music, art, physical education, and special education classes and shall establish procedures for exemptions to the above. This regulation implements such functions.

Section 1. The maximum number of pupils enrolled in each academic class in grades kindergarten, one (1), two (2), and three (3) shall not exceed twenty-nine (29), except classes in vocal and instrumental music, art, and physical education. The maximum number of pupils enrolled in each academic class in grades four (4), five (5), and six (6) shall not exceed thirty-one (31), except classes in vocal and instrumental music, art, and physical education.

Section 2. (1) A superintendent of a local school district may request approval from the State Board of Education for a one (1) year exemption of no more classes than enroll twenty (20) percent of the pupils in kindergarten and grades one (1) through six (6) in each school within the district, when unusual circumstances are believed to warrant an increased class size for a specific class or classes.

(2) The request for exemption shall be filed with the Professional Staff Data forms and shall be forwarded to the Office of Local Services, Division of School Management and Audit, not later than October 1.

(3) The request for exemption shall contain detailed, specific reasons and circumstances causing the increased class size for each class for which an exemption is requested.

(4) The request for exemption shall contain an educational plan assuring that all affected students will receive a quality education.

(5) The request for exemption shall include a specific plan for reducing the class size prior to the beginning of the next school year.

(6) No exemption will be granted in the same grade in the same school for more than one (1) year. Transferring of students between schools in subsequent years for the purpose of qualifying for an exemption is not approvable. [Enrollment in a class for which an exemption has been approved shall not exceed thirty-five (35) students unless another teacher or an aide is provided.]

(7) Since the district, as a condition for approval of an exemption, must provide a plan to alleviate the overcrowding problem, no school which has an exemption in a grade will be granted an exemption in the next grade for the following year. Transferring of students between schools in subsequent years for the purpose of qualifying for an exemption is not approvable.

(8) The services of an aide shall be provided for all classes for which exemptions are granted.

(9) No class granted an exemption in grades K-6 shall enroll more than thirty-five (35) students.

Section 3. The Office of Local Services shall enforce this regulation through examination of the enrollments recorded on each Professional Staff Data form and shall certify compliance or deny Foundation Program units to a school district in non-compliance with this regulation.

ALICE McDONALD, Superintendent

APPROVED BY AGENCY: December 11, 1985

FILED WITH LRC: December 13, 1985 at noon

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 23, 1986, at 1 p.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its December meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 18, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Elder

(1) Type and number of entities affected: 43 school districts, 130 classes.

(a) Direct and indirect costs or savings to those affected:

1. First year: Approximately \$910,000.00 for aides for 130 exempted classes.

2. Continuing costs or savings: Reoccurring cost for salaries for aides.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Reduction in number of aides as classes fall below maximum class size.

(b) Reporting and paperwork requirements: Routine reports three times annually for monitoring.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

- (b) Reporting and paperwork requirements: None
- (3) Assessment of anticipated effect on state and local revenues: None
- (4) Assessment of alternative methods; reasons why alternatives were rejected: The requirement of aides would be in effect after other alternatives were considered.
- (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
- (a) Necessity of proposed regulation if in conflict: None
- (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None
- (6) Any additional information or comments: None

Tiering:
Was tiering applied? No. N/A

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:035. Annual in-service plan.

RELATES TO: KRS 156.095, 157.390, 158.070
PURSUANT TO: KRS 156.095, 157.390, 158.070

NECESSITY AND FUNCTION: KRS 156.095 authorizes the Department of Education to establish, direct, and maintain a state-wide program of in-service teacher training, with relevant purposes of such a program being the improvement of the leadership qualities and professional competence of principals and supervisors and for such other services designated by the State Board of Education for the improvement of instruction. KRS 157.390(2)(a) allows the state board to approve the use of extended employment days; and KRS 158.070 requires the state board to adopt regulations setting forth guidelines and procedures to be followed for the approval of the four (4) days of the minimum school term which are mandated to be utilized by each local school district for in-service activities for the professional staff. This regulation implements these duties and powers by interpreting what in-service education consists of and by requiring each local district to have approved annually a master in-service education plan by which it is to be guided in providing suitable in-service training programs and in requiring all instructional leaders to participate in the state-wide training program implemented under KRS 156.101.

Section 1. In-service education shall mean any training of school personnel to prepare them to satisfy a need of the school system. The data, skills, and concepts comprising the substance of the training programs are determined by deficiencies in the instructional, administrative and support services [other certified personnel] of the school system.

Section 2. Each local district board of education shall annually, by July 15, submit to the State Department of Education for approval a master in-service education plan. The plan shall include the following components:

- (1) Name of local school district;
- (2) Name of in-service education coordinator;

(3) Names of local school district's in-service education committee, which shall be a representative body of all areas or levels of educational personnel within the local school district;

(4) Description of needs assessment, including a brief description of procedures implemented to determine how the district's in-service education needs were assessed;

(5) Statement of district's instructional improvement goal(s), which shall be based on identified needs and which shall include but shall not be limited to the completion of the requisite training hours by all instructional leaders, as defined by KRS 156.101, regardless of the date of initial certification of such instructional leaders. Such training hours for instructional leaders may be completed as a part of the state-wide program for such, either during the regular school term or as an approved use of extended employment;

(6) Statement of district's in-service education objectives, which shall provide direction for education personnel in the attainment of the district's instructional improvement goal(s) and shall include but shall not be limited to the completion of the above-defined requisite training hours for all instructional leaders;

(7) Description of recordkeeping system and procedures, including an indication of the participation of educational personnel in in-service education activities; and

(8) Description of evaluation, including:

(a) A summary of how in-service education programs implemented and operated by individual local school districts will be evaluated; and

(b) A summary of how the implementation of the master in-service education plan will be evaluated.

Section 3. (1) The master in-service plan shall address any local district instructional improvement or training needs that are in accordance with 704 KAR 3:005.

(2) In-service activities shall be related to teachers' instructional assignments and administrators' professional responsibilities. Activities must support the local school district's instructional improvement goal(s) and objectives identified in the master in-service plan.

(3) Activities for in-service credit of classroom teachers shall not supplant any of the six (6) hour instructional day on days when children are in attendance.

(4) In-service education activities shall not occur on snow days. Districts may, however, report flexible in-service on snow days. This situation involves a calendar change only; it does not result in activities on snow days.

(5) In-service credit shall not be awarded for college graduate courses that lead to a change in rank or certification status. Exceptions may be made for university courses that are clearly supportive of the participating district's master in-service plan.

(6) In-service credit shall not be awarded for those activities that provide remuneration for time served.

(7) Districts implementing a flexible in-service schedule shall award in-service credit for any given academic school year within the date limitations of the master in-service plan.

(8) Sick leave may not be applied to in-service days scheduled in a flexible format. For those districts electing to use flexible in-service, the school board shall promulgate appropriate policy regulating such use.

(9) Approvable in-service activities are those which address instructional improvement for the school district, an individual school or a group of teachers. Activities which are not approvable for in-service credit include, but are not limited to, the following: organizational business meetings, compiling class rosters, scheduling, counting textbooks, writing lesson plans, housekeeping duties, faculty meetings, extracurricular activities; PTA/PTO meetings, sporting events, and field trips, etc.

Section 4. [3.] When implementing in-service education programs under KRS 158.070, each local school district shall adhere to its approved master in-service education plan as developed with technical assistance provided from the Department of Education.

ALICE McDONALD, Superintendent

APPROVED BY AGENCY: December 11, 1985

FILED WITH LRC: December 13, 1985 at noon

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 23, 1986, at 1 p.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its December meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 18, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Tom Vest/Stephen Henderson

(1) Type and number of entities affected: All certified instructional personnel.

(a) Direct and indirect costs or savings to those affected:

1. First year: No additional costs or savings, clarifies the existing regulation.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: No additional reporting on paperwork requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No additional costs or savings; clarifies the existing regulation.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No additional costs or savings.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected:

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to

harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. This regulation will apply to all certified instructional personnel.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

(Proposed Amendment)

704 KAR 10:022. Elementary, middle and secondary schools standards.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education to adopt rules and regulations relating to grading, classifying, and accrediting all common schools, and further allows private, parochial, and church schools to voluntarily comply with accreditation standards and to be so certified by the state board. This regulation implements this duty by prescribing general standards to be used in evaluation of public elementary, middle and secondary schools, and of those non-public schools voluntarily seeking an accreditation evaluation.

Section 1. (1) Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.070 and 156.160, the Kentucky Standards for Grading, Classifying and Accrediting Elementary, Middle and Secondary Schools, as amended on December 11, [September 10,] 1985, are presented herewith for filing with the Legislative Research Commission, and incorporated by reference.

(2) "Procedures for Kentucky Accreditation Program," April, 1985, as revised on September 10, 1985, is presented herewith for filing with the Legislative Research Commission and incorporated by reference.

Section 2. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.160(2), non-public schools which voluntarily request accreditation shall be in compliance with all standards and indicators included in the Kentucky Standards for Grading, Classifying and Accrediting Elementary, Middle and Secondary Schools except those marked "N/A" (not applicable). These Voluntary Non-Public School Accreditation Standards, May, 1985, are presented herewith for filing with the Legislative Research Commission and incorporated herein by reference.

Section 3. The procedures for the voluntary accreditation of individual non-public schools or related groups of such schools under common management and control shall be as follows:

(1) All non-public schools or groups of schools which voluntarily request accreditation shall notify the Division of Accreditation by letter of their intentions.

(2) An Instructional Services Advisor (I.S.A.) shall be assigned to a school and shall be the liaison between the school and the Department of Education. The I.S.A. shall provide the school with the department's self-study guide and provide technical assistance as needed.

(3) An on-site team will visit each school to validate the school's self-study. This team shall be appointed by the Department of Education and shall consist of at least three (3) persons - an I.S.A., a local non-public school official and another Department of Education staff member.

(4) An additional team member shall be appointed for each additional five (5) faculty members beyond fifteen (15).

(5) A report shall be generated by the on-site team and a copy presented to the school or related group of schools. The school or related group of schools shall prepare a three (3) year plan of action to correct all non-compliance. The plan shall be monitored annually to assure that the plan of action is being implemented.

(6) The school or related group of schools shall then be placed on a five (5) year accreditation cycle. The first year shall be the self-study and the on-site visit followed by a three (3) year plan of action, and the last year shall be devoted to updating the self-study.

(7) State funds may not be used for the accreditation of non-public schools. Such schools shall reimburse the Department of Education the total costs of accreditation certification, including necessary follow-up, either from their own funds or from any appropriate federal grants.

Section 4. "The Merit Rating Procedural Information and General Criteria for Guidance Programs," March, 1985, and "Merit Rating Guidelines for Kentucky Schools," as adopted on July 9, 1984, are presented herewith for filing with the Legislative Research Commission and incorporated by reference.

Section 5. A copy of all documents incorporated in this regulation may be obtained from the Office of Instruction, Department of Education.

ALICE McDONALD, Superintendent

APPROVED BY AGENCY: December 11, 1985

FILED WITH LRC: December 13, 1985 at noon

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 23, 1986, at 1 p.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its December meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 18, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Elder

(1) Type and number of entities affected: 43 school districts, 130 classes.

(a) Direct and indirect costs or savings to those affected:

1. First year: Approximately \$910,000.00 for aides for 130 exempted classes.

2. Continuing costs or savings: Reoccurring cost for salaries for aides.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Reduction in number of aides as classes fall

below maximum class size.

(b) Reporting and paperwork requirements: Routine reports three times annually for monitoring.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The requirement of aides would be in effect after other alternatives were considered.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. This regulation must apply evenly to all school districts.

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of Instruction

(Proposed Amendment)

704 KAR 20:005. Kentucky standards for preparation program approval.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 156.070, 161.030

NECESSITY AND FUNCTION: KRS 161.020 prohibits any person from holding the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued unless he holds a certificate of legal qualifications for the particular position; KRS 161.025 gives the Kentucky Council on Teacher Education and Certification the duty to develop and recommend policies and standards relating to teacher preparation and certification; and KRS 161.030 rests the certification of teachers and other school personnel and the approval of teacher-preparatory colleges and universities and their curricula with the State Board of Education. This regulation establishes the standards and procedures which are to be used for the approval of the various teacher preparation programs offered by the colleges and universities, and where applicable, these curriculum standards are consistent with the Program of Studies as incorporated in 704 KAR 3:304.

Section 1. Pursuant to the statutory authority placed upon the Superintendent of Public Instruction, the State Board of Education, and the Kentucky Council on Teacher Education and Certification under KRS Chapter 161, there is hereby devised, created, and incorporated by reference the Kentucky Standards for the

Preparation-Certification of Professional School Personnel, which shall include the standards and procedures for the approval of college and university curricula for the preparation programs.

Section 2. The Kentucky Standards for the Preparation-Certification of Professional School Personnel are hereby amended, and the amended document is hereby incorporated by reference and identified as the Kentucky Standards for the Preparation-Certification of Professional School Personnel, revised December [September], 1985. A copy of this document can be obtained from the Office of Instruction, Department of Education, Capital Plaza Tower, Frankfort, Kentucky.

ALICE McDONALD, Superintendent

APPROVED BY AGENCY: December 11, 1985

FILED WITH LRC: December 13, 1985 at noon

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled on January 23, 1986, at 1 p.m., EST, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board of Education at its December meeting. Those persons wishing to attend and testify shall contact in writing: Laurel True, Secretary, State Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before January 18, 1986. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dr. Sidney Simandle

(1) Type and number of entities affected: None. Colleges and universities already have the capacity for administering program.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Uniform statewide program.

EDUCATION AND HUMANITIES CABINET

Department for the Blind

(Proposed Amendment)

720 KAR 1:010. Federal Vocational Rehabilitation Program.

RELATES TO: KRS 163.450 to 163.470

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 163.450 to 163.470 designates the Department for the Blind to be responsible for all rehabilitation services for citizens of the Commonwealth of Kentucky who are blind and visually impaired. These regulations adopt federal rules governing the services, personnel, and administration of the Department for the Blind required as a condition for the agency to receive federal funds and to administer federal vocational rehabilitation programs. P.L. 93-112, as amended, requires the submission of a Three-Year State Plan for Vocational Rehabilitation Services to the Secretary of the United States Department of Education, and P.L. 93-516, as amended, requires the submission to the Commissioner of Rehabilitation Services, Department of Education, an application for designation as state licensing agency to administer the Randolph-Sheppard Vending Facility Program.

Section 1. Pursuant to the authority vested by KRS 163.450 to 163.470, the Kentucky State Plan for Vocational Rehabilitation Services for the Blind and Visually Impaired, as amended, for the period October 1, 1985 [1982], through September 30, 1987 [1985], effective October 1, 1985 [1983], is presented herewith for filing with the Legislative Research Commission and incorporated by reference. A copy of said plan may be obtained from the Department for the Blind, Education and Humanities Cabinet.

Section 2. Pursuant to the authority vested by KRS 163.450 to 163.470, the Kentucky Application for Designation for the Randolph-Sheppard Vending Facility Program, effective November 15, 1979, is presented herewith for filing with the Legislative Research Commission and incorporated by reference. A copy of said plan may be obtained from the Department for the Blind, Education and Humanities Cabinet.

CHARLES W. McDOWELL, Commissioner

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 12, 1985 at 3:30 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 22, 1986, at 10 a.m. at the Frankfort Office of the Department for the Blind, 427 Versailles Road. Those interested in attending this meeting shall contact: Edward A. Rademaker, Kentucky Department for the Blind, 427 Versailles Road, Frankfort, KY 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Edward A. Rademaker

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: Agency State Plan under P.L. 93-112.

Tiering:

Was tiering applied? Yes

CABINET FOR PUBLIC PROTECTION & REGULATION
Department of Financial Institutions
Division of Banking
(Proposed Amendment)

808 KAR 11:020. Procedures.

RELATES TO: KRS 287.095, 287.905

PURSUANT TO: KRS 287.020

NECESSITY AND FUNCTION: KRS 287.095 and 287.905 set forth the statutory procedures for filing applications by a bank holding company or individual to acquire control of a state-chartered bank or bank holding company which includes a state-chartered bank when either a state-chartered bank or a bank holding company which includes a state-chartered bank is involved in the transaction; the setting of filing and examination fees; and the examination of any holding company that controls a state-chartered bank. This administrative regulation is to insure uniformity in the procedures to be used in the application and examination processes.

Section 1. (1) The provisions of KRS 287.095(1) and (2) are not applicable to transactions involving applications filed with the Federal Reserve Board for prior approval to become a one-bank holding company. The application process for prior approval to become a one-bank holding company is regulated by the Federal Reserve Board and such transactions are not subject to KRS 287.905.

(2)(a) Applications by a bank holding company to acquire control of a state-chartered bank or to acquire control of a bank holding company which controls a state-chartered bank; and

(b) Applications by a bank holding company which controls a state-chartered bank to acquire control of a national bank or bank holding company which controls a national bank; and

(c) Applications by a bank holding company which controls a state-chartered bank to acquire control of a bank or bank holding company not having its principal place of business in this state; and

(d) Applications by a bank holding company not

having its principal place of business in this state to acquire control of a state-chartered bank or bank holding company which includes a state-chartered bank, are subject to KRS 287.905.

(3) Whenever a proposed change occurs in the outstanding voting stock of a state-chartered bank which is subject to KRS 287.095 or 287.905, in those cases where a bank holding company application or change of control notice is required by federal regulatory agencies, the concurrent filing of a copy of the application or notice submitted to the federal regulatory agency with the commissioner would fulfill the notice requirement of KRS 287.095 or 287.905. Notice is required to be filed with the commissioner in all cases where the change in ownership of voting stock would result in direct or indirect ownership by a stockholder or an affiliated group of stockholders of ten (10) percent or more of the outstanding voting stock of the bank. The filing of notice with the commissioner on forms used by federal regulatory agencies shall be treated as confidential information by the commissioner as provided by federal law.

(4) The original document and four (4) copies of the bank holding company application shall be filed with the commissioner concurrently with the application filed with the Federal Reserve Board and shall be on the same application form used by the Federal Reserve Board. All subsequent information furnished by the applicant to the Federal Reserve Board shall be concurrently filed with the department.

(5) A complete application is one which includes all information necessary for the commissioner to make a decision to approve or disapprove the application and has been accepted for processing by the Federal Reserve Board.

Section 2. Filing Fee. Each application shall include a non-refundable investigation fee of \$2,500 [\$250]. The fee assessed by the commissioner shall be paid prior to approval of the application by the commissioner.

Section 3. Examination Fees. If the commissioner examines or elects to participate in a joint examination with the applicable federal regulatory agency of any holding company that controls a state-chartered bank, the examination fee assessed against the company examined shall be based upon fair compensation for time and actual expenses.

Section 4. Publication of Notice. Publication of notice of intention of a bank holding company to acquire control of a state-chartered bank or to acquire control of a bank holding company which controls a state-chartered bank shall be the responsibility of the applicant pursuant to Regulation Y issued by the Federal Reserve Board (12 CFR 225, as revised effective February 3, 1984).

Section 5. Hearings. The department shall not hold hearings on any application or notice. Hearings, if any, shall be conducted by the Federal Reserve Board in accordance with Regulation Y issued by the Federal Reserve Board (12 CFR 225, as revised effective February 3, 1984) or by the appropriate federal banking agency pursuant to the federal Bank Change in Control Act of 1978, as amended (12 U.S.C. 1817(j)).

Section 6. Nonbank Activities and Acquisitions. Nonbank activities and acquisitions for bank holding companies are regulated by the Federal Reserve Board in accordance with Regulation Y issued by the Federal Reserve Board (12 CFR 225, as revised effective February 3, 1984).

Section 7. Coordination with Federal Reserve Board. The commissioner shall coordinate the application process for acquisition of control of state-chartered banks and bank holding companies which control a state-chartered bank with the Federal Reserve Board to insure that no unreasonable delays occur in the approval process.

MELVIN H. WILSON, Secretary

BALLARD W. CASSADY, JR., Commissioner

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 22, 1986, at 10 a.m., prevailing local time, in the offices of the Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing no later than January 17, 1986: J. Rick Jones, Department of Financial Institutions, 911 Leawood Drive, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Wanda Harrod

(1) Type and number of entities affected: Individuals and multibank holding companies; number unknown at this time.

(a) Direct and indirect costs or savings to those affected:

1. First year: Increase fee by \$2,250 from \$250 to \$2,500.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: Must file application to form multibank holding company.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Analysis of applications and notices.

(3) Assessment of anticipated effect on state and local revenues: Unknown at this time.

(4) Assessment of alternative methods; reasons why alternatives were rejected: DNA

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Uniform application to all regulated financial institutions.

CABINET FOR HUMAN RESOURCES Department for Health Services (Proposed Amendment)

902 KAR 8:020. Policies and procedures for local health department operations.

RELATES TO: KRS Chapter 212

PURSUANT TO: KRS 194.050, 211.090, 211.170, 211.180, 213.410

NECESSITY AND FUNCTION: KRS 211.170 directs the Cabinet for Human Resources to establish policies governing the activities of local health departments. This regulation adopts various manuals setting policies and standards for health departments.

Section 1. Local Health Policy Manual. The policies set forth in the December [October] 15, 1985, edition of the "Local Health Policy Manual" governing the maintenance and operation of local health departments are hereby adopted by reference.

Section 2. Financial Management Manual. The policies set forth in the November 15, 1985, edition of the "Financial Management Manual" governing the operation of the financial management systems used by local health departments are hereby adopted by reference.

Section 3. Patient Services Reporting System Manual. The policies set forth in the May 1, 1984, edition of the "Patient Services Reporting System Manual" governing the collection of patient health/medical services delivered by local health departments are hereby adopted by reference.

Section 4. Medical Records System Policy and Procedure Manual for Local Health Departments in Kentucky. The policies and procedures set forth in the May 1, 1984, edition of the "Medical Records System Policy and Procedure Manual for Local Health Departments in Kentucky" governing the development and maintenance of medical records in local health departments are hereby adopted by reference.

Section 5. Planning Manual for Local Health Departments. The policies set forth in the March, 1985, edition of the "Planning Manual for Local Health Departments" governing the annual program planning process and procedures of local health departments are hereby adopted by reference.

Section 6. Standards Manual for Local Health Departments. The policies set forth in the March, 1985, edition of the "Standards Manual for Local Health Departments" governing the programmatic operations of local health departments are hereby adopted by reference.

Section 7. Local Health Department Environmental Data System Operational Procedures for Weekly Environmental Activity Report, Sanitation Programs Information Formulator, and Local Health Annual Data Report. The policies set forth in the September, 1982, edition of the "Local Health Department Environmental Data System Operational Procedures for Weekly Environmental Activity Report, Sanitation Programs Information Formulator, and Local Health Annual Data Report" are hereby adopted by

reference.

Section 8. On-Line Environmental Health Management Information System. The policies set forth in the February 14, 1984, edition of the "On-Line Environmental Health Management Information System" manual are hereby adopted by reference.

Section 9. MCH Maternity Manual. The policies set forth in the July 1, 1985, edition of the "MCH Maternity Manual" governing the operation of the prenatal program conducted by local health departments are hereby adopted by reference.

Section 10. Sudden Infant Death Syndrome Program. The policies set forth in the January 1, 1985, edition of the "Sudden Infant Death Syndrome Program" manual governing the operation of the Sudden Infant Death Syndrome Program conducted by local health departments are hereby adopted by reference.

Section 11. Standards for Genetic Disease Testing, Counseling and Education Services Program. The policies set forth in the October 15, 1985, edition of the "Standards for Genetic Disease Testing, Counseling and Education Services Program" manual governing the operation of genetic disease testing and counseling clinics conducted by local health departments are hereby adopted by reference.

Section 12. Standards for Regional Pediatric Clinics. The policies set forth in the October 15, 1985, edition of the "Standards for Regional Pediatric Clinics" manual governing the operation of regional pediatric programs conducted by local health departments are hereby adopted by reference.

Section 13. Standards for Preventive Health Care in Children. The policies set forth in the May 11, 1984, edition of the "Standards for Preventive Health Care in Children" manual governing the operation of well child programs conducted by local health departments are hereby adopted by reference.

Section 14. Location of Manuals Referenced in This Regulation. A copy of each manual referenced in this regulation is on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky, and is open to public inspection.

Section 15. Summary of Amendment. (1) In relation to Section 1 relating to the Local Health Policy Manual, LHP 500-1 "Overtime" is being revised to provide local health departments the option of compensating employees at a rate of pay of one and one-half (1 1/2) the regular rate for all time worked over forty (40) hours per week. [2 relating to the Financial Management Manual strike pages 48, 85, and 89(a) undated and substitute in lieu thereof new pages 48 and 85 dated November 15, 1985. This revision updates the Uniform Percentage Payment Schedule to correspond to federal poverty income guidelines and requires fidelity bonding on all employees and board of health members who handle local health department funds.]

[(2) In relation to Sections 9 and 10 relating to the Consumer Product Safety Commissioner's

Hazardous Substances Labeling Guide and the Consumer Product Safety Commission's In-Depth Investigations Manual. Local health departments no longer administer this program. Therefore, these two (2) manuals are obsolete and will not continue to be incorporated by reference in this regulation.]

C. HERNANDEZ, M.D., M.P.H., Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 5, 1985

FILED WITH LRC: December 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Phillip R. Spangler

(1) Type and number of entities affected: 47 Local Health Departments.

(a) Direct and indirect costs or savings to those affected:

1. First year: Some additional overtime costs/savings in reduced personnel turnover.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Much of additional cost will be reimbursible.

(b) Reporting and paperwork requirements: Agencies choosing to pay time and one-half to additional professional staff must give prior notice to the Division of Local Health.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Must maintain record of agencies which choose to pay additional overtime.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A.

CABINET FOR HUMAN RESOURCES
Department for Health Services
(Proposed Amendment)

902 KAR 8:030. Merit system for local health departments.

RELATES TO: KRS 211.170, 212.170(4), 212.870
 PURSUANT TO: KRS 194.050, 211.090, 212.170(4)
 NECESSITY AND FUNCTION: KRS 211.170, 212.170, and 212.870 require the Cabinet for Human Resources to supervise the personnel functions and prescribe merit system standards for local health departments. In addition, 5 CFR, Part 900, Intergovernmental Act Programs contains requirements for establishing and maintaining a system of personnel administration on a merit basis as a condition precedent to the receipt of federal funds for the conduct of certain federally funded health programs. The Cabinet for Human Resources is authorized by KRS 194.050 to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement the merit system council for local health departments in accordance with applicable federal and state laws and regulations and KRS 212.170(4).

Section 1. Definitions. As used in this regulation: (1) "Council" means the merit system council for local health departments created by this regulation; and

(2) "Local health department" means a county, city-county, or district health department created pursuant to KRS Chapter 212 but does not include health departments located in cities of the first class or urban-county health departments.

Section 2. Council Membership, Terms, and Meetings. (1) A merit system council is hereby created to serve local health departments. The council shall be composed of five (5) members who shall be appointed by the Secretary for Human Resources upon the recommendation of the Commissioner of the Department for Health Services. The members shall be public-spirited persons of recognized experience in the improvement of public administration, and in the impartial selection of efficient governmental personnel. No member of the council shall be an employee of a local health department or of the Department for Health Services.

(2) Members of the council shall serve for a term of three (3) years or until successors have been appointed, except that for members first appointed two (2) members shall be appointed for one (1) year, one (1) member for two (2) years, and two (2) members for three (3) years. A member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the remainder of such term.

(3) The council shall elect a chairman from its membership. Regular meetings of the council shall be held at least semi-annually. Special meetings of the council may be held upon call of the chairman or the Commissioner of the Department for Health Services.

(4) The council shall be attached to the Department for Health Services for

administrative and budgetary purposes.

(5) A simple majority of the members of the council shall constitute a quorum for the purpose of conducting official business. The council shall adopt procedures for the conduct of its activities.

Section 3. Merit System Rules and Regulations. The Cabinet for Human Resources hereby adopts the publication entitled "Rules and Regulations for the Local Health Departments of Kentucky" as amended to November 20, 1985 [September 15, 1984], by reference, as the merit system requirements for local health departments in Kentucky governing all phases of personnel management, including but not limited to appointments, promotions, examinations, separations, and disciplinary actions.

Section 4. Summary of Amendment. In relation to Section 3 of this regulation strike the cover page of the Merit System Rules and Regulations for Local Health Departments of Kentucky dated September 15, 1984, and substitute in lieu thereof a new cover page dated November 20, 1985. [May 1, 1984, and substitute in lieu thereof new cover page dated September 15, 1984. Strike page 9 undated and substitute in lieu thereof new page 9 dated 9-15-84 which permits county health departments, as well as district health departments, to use all available compensation plans.]

(1) Strike pages 25 and 26 undated and substitute in lieu thereof new pages 25 and 26 dated 11-20-85 which:

(a) Deletes allowance for twenty-four (24) hour dismissal of status employee and instead allows for suspension with pay until termination;

(b) Creates a new section which requires a pretermination hearing prior to dismissal of a status employee; and

(c) Requires that a status employee be given an opportunity to respond to charges prior to suspension.

(2) Strike page 27 undated and substitute in lieu thereof a new page 27 dated 11-20-85 which makes decisions of the Merit System Council binding upon the employee and the appointing authority.

(3) Strike page 31 undated and substitute in lieu thereof a new page 31 dated 11-20-85 which allows local health department employees to earn up to 200 hours of compensatory leave and requires a lump sum payment for compensatory hours upon termination of employment.

C. HERNANDEZ, M.D., M.P.H., Commissioner
 E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 5, 1985

FILED WITH LRC: December 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Phillip R. Spangler

(1) Type and number of entities affected: All local health departments (47 agencies) except Fayette and Jefferson.

(a) Direct and indirect costs or savings to those affected: No significant effect.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Insignificant

(2) Effects on the promulgating administrative body: More effective resolution of personnel disciplinary of dismissal actions.

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Not appropriate.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. N/A.

CABINET FOR HUMAN RESOURCES

Department for Mental Health and Mental Retardation Services
(Proposed Amendment)

902 KAR 12:080. Policies and procedures for mental health/mental retardation facilities.

RELATES TO: KRS Chapter 210

PURSUANT TO: KRS 210.010

NECESSITY AND FUNCTION: KRS 210.010 directs the Secretary of the Cabinet for Human Resources to prescribe regulations for the institutions under the control of the cabinet. The function of this regulation is to adopt policies and procedures for such institutions.

Section 1. Oakwood Policy Manual. The policies set forth in the September 1, 1985, edition of the "Oakwood Policy Manual" consisting of three (3) volumes relating to the operation of Oakwood ICF-MR Facility are hereby adopted by reference.

Section 2. Hazelwood Policy Manual. The policies and procedures set forth in the October 15, 1985, edition of the "Hazelwood Policy Manual" consisting of two (2) volumes relating to the operation of Hazelwood ICF-MR Facility are hereby adopted by reference.

Section 3. Central State Hospital ICF-MR Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the

"Central State Hospital ICF-MR Policy Manual" consisting of two (2) volumes relating to the operation of Central State Hospital ICF-MR Facility are hereby adopted by reference.

Section 4. Eastern State Hospital Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Eastern State Hospital Policy Manual" consisting of twenty-one (21) volumes relating to the operation of Eastern State Hospital Facility are hereby adopted by reference.

Section 5. Central State Hospital Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Central State Hospital Policy Manual" consisting of nineteen (19) volumes relating to the operation of Central State Hospital Facility are hereby adopted by reference.

Section 6. Western State Hospital Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Western State Hospital Policy Manual" consisting of thirty-two (32) volumes relating to the operation of Western State Hospital Facility are hereby adopted by reference.

Section 7. Glasgow ICF Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Glasgow ICF Policy Manual" consisting of twelve (12) volumes relating to the operation of Glasgow ICF Facility are hereby adopted by reference.

Section 8. Western State Hospital ICF Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Western State Hospital ICF Policy Manual" consisting of nine (9) volumes relating to the operation of Western State Hospital ICF Facility are hereby adopted by reference.

Section 9. Volta Policy Manual. The policies and procedures set forth in the September 1, 1985, edition of the "Volta Policy Manual" consisting of one (1) volume relating to the operation of Volta Facility are hereby adopted by reference.

Section 10. Kentucky Correctional Psychiatric Center Policy Manual. The policies and procedures set forth in the November 1 [September 1], 1985, edition of the "Kentucky Correctional Psychiatric Center Policy Manual" consisting of thirteen (13) volumes relating to the operation of Kentucky Correctional Psychiatric Center Facility are hereby adopted by reference.

Section 11. Location of Manuals Referenced in This Regulation. A copy of each manual referenced in this regulation is on file in the Office of the Commissioner for Health Services, 275 East Main Street, Frankfort, Kentucky, and is open to public inspection.

Section 12. Summary of Amendment.

Section 10 is revised as follows:

KENTUCKY CORRECTIONAL PSYCHIATRIC CENTER POLICY MANUAL

Policy

#J1 B-34 A new policy is developed to provide for hospitalization of inmates committed to the Corrections Cabinet. This policy also provides for hospitalization of inmates on an involuntary basis according to KRS Chapter 202A and in compliance with Vitek vs. Jones. This new policy brings the policies and procedures of the Kentucky Correctional Psychiatric Center in compliance with existing policies of the Corrections Cabinet.

[Section 2 is revised as follows:

HAZELWOOD POLICY MANUAL

87-1-2 #4 Management Audit Plan.
This policy outlines the responsibilities for oversight and review of facility activities to assure that information is properly communicated, and once reviewed, necessary actions taken. It appears to have no financial impact.

87-3-5 #49 Administration of PPD Skin Test.
This policy was updated to be in compliance with the new regulations pertaining to employees' skin tests. There is no financial impact from the policy.

87-4-1 #6B Vehicle Regulations.
This is a policy update and better complies with the facility's current needs in parking and enforcement of facility parking regulations. No financial impact.

87-4-2 #11B Receipt and Deposit of Funds.
This is a policy update which more clearly outlines the handling of funds in the facility. No financial impact.

87-5-1 #18A Family/Guardian Notification of Injury or Illness.
This policy was revised to more clearly specify family/guardian notification in cases of injury or illness of residents. No financial impact.

87-5-5 #28A Attachment to Emergency Pharmaceutical Services.
An update of the Memorandum of Agreement for Emergency Pharmaceutical Services. This memorandum is updated annually. No financial impact.

87-5-7 #21 Records Review.
This is a policy addition which adds a built-in review of facility records in a survey inspector-type manner. No financial impact.

87-6-7 #2B Behavior Management Programs.
The previous policy on Behavior Management was in compliance with the ICF/MR regulations only. The revised policy meets the requirements of ICF/MR and also meets the standards of the ACMRDD Accreditation Council. The new policy reflects the more current techniques utilized in the field of behavioral management. This policy does not appear to have any financial costs related.]

DENNIS D. BOYD, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: November 12, 1985

FILED WITH LRC: November 18, 1985 at 8 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Verna Fairchild

(1) Type and number of entities affected: KCPC
(a) Direct and indirect costs or savings to those affected: None

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: Policies of KCPC will be in compliance with policy 18.11 of the Corrections Cabinet.

(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Consumer Health Protection
(Proposed Amendment)

902 KAR 55:015. Schedule I substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 194.050, 218A.020, 218A.040, 218A.250

NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Cabinet for Human Resources to add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.040 and applicable federal regulations, the Cabinet for Human Resources designates the substances set forth in this regulation as Schedule I controlled substances.

Section 1. Opiates. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any of the following opiates, including their isomers, optical isomers, esters, ethers, salts, salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl, N-(1-(1-methyl-2-phenyl) ethyl-4-piperidyl)-N-phenylacetamide;
- (2) [(1)] Alfentanil;
- (3) [(2)] Alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl) propionanilide;
- (4) Alpha-methylthiofentanyl, N-(1-(1-methyl-2-(2-thienyl) ethyl-4-piperidyl) N-phenylpropanamide;
- (5) Benzylfentanyl, N-(1-benzyl-4-piperidyl)-N-phenylpropanamide;
- (6) Beta-hydroxyfentanyl, N-(1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl)-N-phenylpropanamide;
- (7) Beta-hydroxy-3-methylfentanyl, N-(3-methyl-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl)-N-phenylpropanamide;
- (8) Difenoxin;
- (9) [(3)] 3-Methylfentanyl, [or] N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide;
- (10) 3-methylthiofentanyl, N-(3-methyl-1-(2-2-thienyl) ethyl-4-piperidyl)-N-phenylpropanamide;
- [(4)] Difenoixin; and]
- (11) Thenylfentanyl, N-(1-(2-thienyl) methyl-4-piperidyl)-N-phenylpropanamide; and
- (12) Thiofentanyl, N-(1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide; and
- (13) [(5)] Tilidine.

Section 2. Opium Derivatives. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any of the following opium derivatives, their salts, optical isomers, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, optical isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Drotebanol;
- (2) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
- (3) 1-(2-phenylethyl)-4-phenyl-4-acetyloxy-piperidine (PEPAP).

Section 3. Hallucinogenic Substances. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purpose of this paragraph only, the term "isomer" includes the optical position and geometric isomers):

- (1) 4-bromo-2, 5-dimethoxy-amphetamine;
- (2) 2, 5-dimethoxyamphetamine (2, 5 DMA);
- (3) Ethylamine analog of phencyclidine (N-ethyl-1-phenylcyclohexylamine, cyclohexamine, PCE);
- (4) 4-methoxyamphetamine (PMA);
- (5) Parahexyl (Synhexyl);
- (6) Pyrrolidine analog of phencyclidine (1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP); and
- (7) Thiophene analog of phencyclidine (1-(1-(2-thienyl) cyclohexyl) piperidine, TCP, TCPD).

Section 4. Depressants. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Mecloqualone; and
- (2) Methaqualone (2-methyl-3-o-tolyl-4(3H)-quinazolinone).

Section 5. Stimulants. The Cabinet for Human Resources hereby designates as Schedule I controlled substances, in addition to those specified by KRS 218A.050, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Fenethylline;
- (2) N-ethylamphetamine; and
- (3) 3,4-methylenedioxymethamphetamine (MDMA).

C. HERNANDEZ, M.D., M.P.H., Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 11, 1985

FILED WITH LRC: December 13, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: E. Edsel Moore, Manager

(1) Type and number of entities affected: All citizens of the Commonwealth.

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Consumer Health Protection
(Proposed Amendment)

902 KAR 55:020. Schedule II substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 194.050, 211.090, 218A.020, 218A.060, 218A.250

NECESSITY AND FUNCTION: KRS 218A.020 authorizes the Cabinet for Human Resources to add substances to or delete or reschedule substances enumerated in KRS Chapter 218A. After considering the criteria set forth in KRS 218A.020 and 218A.060 and applicable federal regulations, the Cabinet for Human Resources designates the substances set forth in this regulation as Schedule II controlled substances.

Section 1. Reschedule of Certain Barbituric Acid Derivatives to "Schedule II" Controlled Substances; Exceptions. The Cabinet for Human Resources hereby reschedules the following barbituric acid derivatives from Schedule III to Schedule II controlled substances, viz:

(1) Amobarbital;

(2) Secobarbital;

(3) Pentobarbital;

(4) Provided; however, that any material, compound, mixture, or preparation containing amobarbital, secobarbital and pentobarbital or any salt thereof and one (1) or more other active medicinal ingredient(s) which is not a controlled substance shall be in "Schedule III."

(5) Provided; further, that any suppository dosage form containing amobarbital, secobarbital and pentobarbital or any salt thereof which has been approved by the United States Food and Drug Administration for marketing only as a suppository shall be in "Schedule III."

Section 2. Immediate Precursors. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070 and unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) 1-Piperidinocyclohexanecarbonitrile and 1-Phenylcyclohexylamine, immediate precursors to Phencyclidine.

(2) Phenylacetone. Some trade or other names include: phenyl-2-propanone, P2P, benzyl methyl ketone, and methyl benzyl ketone, immediate precursors to amphetamine and methamphetamine.

Section 3. Hallucinogenic Substances. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070 and unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances: Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product. (Some other names for dronabinol: (6aR-trans)-6a, 7, 8, 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo (b, d) pyran-1-ol or (-) delta-9-(trans)-tetrahydrocannabinol.)

Section 4. Opium and Derivatives. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070, any of the following opium and opiates, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmeferene, naloxone, and naltrexone, and their respective salts, but including the following:

(1) Raw opium;

(2) Opium extracts;

(3) Opium fluid;

(4) Powdered opium;

(5) Granulated opium;

(6) Tincture of opium;

(7) Codeine;

(8) Ethylmorphine;

(9) Etorphine hydrochloride;

(10) Hydrocodone;

(11) Hydromorphone;

(12) Metopon;

(13) Morphine;

(14) Oxycodone;

(15) Oxymorphone;

(16) Thebaine;

Section 5. Opiates. The Cabinet for Human Resources hereby designates as Schedule II controlled substances, in addition to those specified by KRS 218A.070, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and

levopropoxyphene excepted:

- (1) Bulk dextropropoxyphene (non-dosage forms):
- (2) Sufentanil.

C HERNANDEZ, M.D., M.P.H., Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 11, 1985

FILED WITH LRC: December 13, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: E. Edsel Moore, Manager

(1) Type and number of entities affected: All citizens of the Commonwealth.

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Consumer Health Protection
(Proposed Amendment)

902 KAR 55:030. Schedule IV substances.

RELATES TO: KRS Chapter 218A

PURSUANT TO: KRS 194.050, 211.090, 218A.020, 218A.100, 218A.250

NECESSITY AND FUNCTION: KRS 218A.100 authorizes the Cabinet for Human Resources to place a substance in Schedule IV if it finds that: (1) the substance has a low potential for abuse relative to substances in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. In addition, KRS 218A.020(3) provides that if any substance is designated, rescheduled, or deleted as a controlled substance under a federal law and notice thereof is given to the cabinet, the cabinet may similarly control the substance by regulation. The Cabinet for Human Resources, after considering such criteria, hereby designates the substances set forth in this regulation as Schedule IV controlled substances.

Section 1. Stimulants. The Cabinet for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers (whether optical position or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

(1) Fenfluramine;

(2) Diethylpropion;

(3) Pemoline;

(4) [(3)] Phentermine;

(5) [(4)] Pipradrol; and

(6) [(5)] SPA ((-)-1-dimethylamino-1,2-diphenylethane).

Section 2. Depressants. The Cabinet for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alprazolam;

(2) Bromazepam;

(3) Camazepam;

(4) Chlordiazepoxide;

(5) Clobazam;

(6) Clonazepam;

(7) Clorazepate;

(8) Clotiazepam [Clothiazepam];

(9) Cloxazolam;

(10) Delorazepam;

(11) Diazepam;

(12) Estazolam;

(13) Ethyl loflazepate;

(14) Fludiazepam;

(15) Flunitrazepam;

(16) Flurazepam;

(17) Halazepam;

(18) Haloxazolam;

(19) Ketazolam;

(20) Loprazepam;

(21) Lorazepam;

(22) Lormetazepam;

(23) Mebutamate;

(24) Medazepam;

(25) Methohexital;

(26) Nimetazepam;

(27) Nitrazepam;

(28) Nordiazepam;

(29) Oxazepam;

(30) Oxazolam;

[(31)] Pemoline;

[(31)] [(32)] Pinazepam;

- (32) [(33)] Prazepam;
- (33) [(34)] Temazepam;
- (34) [(35)] Tetrazepam; and
- (35) [(36)] Triazolam.

Section 3. Analgesics, Non-Narcotics. The Cabinet for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts: Dextropropoxyphene (Alpha-+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).

C. HERNANDEZ, M.D., M.P.H., Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 11, 1985

FILED WITH LRC: December 13, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: E. Edsel Moore, Manager

(1) Type and number of entities affected: All citizens of the Commonwealth.

(a) Direct and indirect costs or savings to those affected: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: N/A

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Not applicable for controlled substances regulations.

CABINET FOR HUMAN RESOURCES Department for Employment Services Division of Unemployment Insurance (Proposed Amendment)

903 KAR 5:260. Unemployment insurance procedures.

RELATES TO: KRS 341.005 through 341.990

PURSUANT TO: KRS 13A.100, 194.050(1), 341.115

NECESSITY AND FUNCTION: Title III of the Social Security Act authorizes the states to implement an unemployment insurance program. The Cabinet for Human Resources is authorized by KRS 194.050 to adopt such rules and regulations as are necessary to implement programs mandated by federal law or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement the procedures required to administer the unemployment insurance program in accordance with applicable state and federal laws and regulations.

Section 1. In order to facilitate the administration of the unemployment insurance program as authorized by Title III of the Social Security Act and KRS Chapter 341, the following operating manuals are adopted by reference:

(1) Unemployment Insurance Local Office Manual as issued February 1984 and last revised November 15, 1985 [October 22, 1985]. This manual includes procedures: for requiring proper identification of persons filing claims for benefits; for taking and processing initial, additional, reactivated and continued claims for benefits; for assigning claimants to the appropriate group for the eligibility review program; for conducting benefit rights interviews; for processing payorder cards for payment; for correcting and changing benefit data; for registering claimants for work; for conducting the eligibility review program; for stopping and releasing payment of benefits; for entering claim history and benefit payment information into the data base; for taking and processing interstate claims, combined wage claims, claims by former federal employees and ex-service-members, and claims for extended benefits and federal supplemental compensation benefits; for conducting investigations and issuing determinations regarding a claimant's separation, ability to work, availability for work, active search for work, benefit entitlement, and deductions from benefits; for processing employers' protests to claims; for taking requests for reconsideration of monetary eligibility; for establishing benefit overpayments and initiating recovery or recoupment by processing partial payment agreements or issuing liens; for initiating action on lost or returned checks; for detecting and initiating recovery of fraudulent overpayments; for filing appeals to eligibility determinations; for reporting workload time spent; for compiling claims and nonmonetary determination statistics; and for ranking of local offices based on performance criteria.

(2) Unemployment Insurance Benefit Branch Procedures Manual issued May, 1982 and last revised October 15, 1985. This manual includes procedures for administering the payment of unemployment insurance benefits; for maintaining accounts for all benefit income and

expenditures; for detecting, establishing and initiating recovery of benefit overpayments; for assigning benefit charges to employer accounts; for conducting a quality review of nonmonetary determinations affecting the payment of benefits; for processing unemployment claims for former federal employees, ex-service-members, combined wage claimants, interstate claims, claims for Disaster Unemployment Assistance, claims under the Trade Readjustment Act and claims under the Work Incentive Program; for reconsidering monetary rate determinations; for processing payment for lost or returned benefit checks; and for investigating potential fraud and recommendation of recovery action or criminal prosecution.

(3) Unemployment Insurance Tax Collection and Accounting Branch Manual issued November, 1982 and last revised August 1, 1985. This manual includes procedures: for setting up, transferring and cancelling employer contribution and reimbursement accounts; for collecting quarterly taxes from contributory employers and for billing reimbursing employers for benefits paid; for auditing quarterly wage and tax reports by making adjustments, assessing additional payment and penalties and crediting tax overpayments; for maintaining records of employer accounts and tax payments; for adjusting wages if required when a reconsideration of monetary benefit eligibility is filed; and for collecting delinquent taxes by filing tax liens, recommending suits and temporary restraining orders, garnishing wages, filing claims in bankruptcy or against monies due to delinquent employers from state agencies.

(4) Unemployment Insurance Administrative Support Branch Manual issued December, 1983 and last revised November 9, 1984. This manual includes procedures: for maintaining files of benefit claims, employer records, appeals, and unemployment insurance commission orders; for maintaining mail security operations for all checks received by the division; for gathering statistics and conducting statistical studies; for verifying workload items for the budget process; for publishing statistical reports for the division and for general publication; for maintaining and distributing federal and state-released procedures; for maintaining all procedures manuals; for conducting the unemployment insurance quality appraisal; for training division personnel; for retaining and disposing of records; for providing data processing liaison services; for preparing state and federal budgets; for operating the Cost Model Management System; for maintaining the Cost Information System; for controlling forms control; and for monitoring purchases, expenditures and repairs.

(5) Unemployment Insurance Field Audit Manual issued February 1984 and last revised January 11, 1985. This manual includes procedures for handling matters which cannot be handled directly or expediently by the central office tax branch, such as procedures: for locating employers; for conducting investigations of employers, and their payrolls and employment records; for determining an employer's status under the law; for assessing contributions and collecting delinquent contributions; for serving legal papers; for conducting property investigations; for auditing employer records; and for furnishing technical assistance to employers.

(6) Unemployment Insurance Director's Office Manual issued November 18, 1983, and last revised December 12, 1984. This manual includes procedures for operating the Fraud Investigations and Internal Security Unit such as procedures for: administering the unit; detecting fraud; prosecuting fraud cases; closing out fraud cases; preventing fraud; maintaining internal security; and conducting other investigations.

(7) Kentucky Unemployment Insurance Commission Administrative Branch Manual issued September 1, 1985. This manual includes procedures for the daily operations of the branch. Such procedures include staff duties and responsibilities, the review of cases, the conduct of hearings, the preparation of decisions and the proper handling of records and reports.

Section 2. All documents incorporated by reference herein are on file for public inspection in the Office of the Commissioner for Employment Services, 275 East Main Street, Frankfort, Kentucky 40621 and in local unemployment insurance offices located throughout the state.

Section 3. Summary of Amendment. Unemployment Insurance Local Office Manual. (1) Chapter 1000 [2000], Introduction [Initial Claims], strike contents page dated 3-29-85, and substitute in lieu thereof new contents page dated 10-30-85 [entire chapter and substitute in lieu thereof new chapter dated 8-30-85, which revises the chapter's format to the standardized Department for Employment Services Manual format].

(2) Chapter 2000, Initial Claims, strike contents page dated 8-30-85, and substitute in lieu thereof new contents page dated 10-30-85.

(3) [(2)] Chapter 3000, Continued Claims, strike contents page dated 6-13-85, and substitute in lieu thereof new contents page dated 10-30-85. Strike entire chapter and substitute in lieu thereof new chapter dated 10-30-85, which corrects heading from Part IV to Part I. [(3110-3140) - (3140-3150) dated 6-13-85, and substitute in lieu thereof page (3110-3140) - (3140-3150) dated 8-1-85, which deletes the acceptance of a claimant's registration with a private employment agency as constituting as sufficient work search. Strike page (3025-3040) - (3040-3045) dated 6-13-85, and substitute in lieu thereof page (3025-3040) - (3040-3045) dated 8-30-85, which revises the procedures for completing forms and which excludes from in-person reporting those claimants who are in approved training.]

(4) [(3)] Chapter 4000, Video Operations, strike contents page dated 10-18-85 [6-5-85], and substitute in lieu thereof contents page dated 10-30-85. [10-18-85. Strike page (4060-4090) - (4090-4100) dated 3-1-85, and substitute in lieu thereof page (4060-4090) - (4090-4100) dated 10-18-85, which identifies program 4T. Strike pages (4120-4120) through (4215-4215) dated 3-1-85, and substitute in lieu thereof pages (4120-4120) through (4115-4115) dated 10-18-85 which describe program 4B and which provide instructions for accessing program 42.]

(5) [(4)] Chapter 6000, Claims Investigation, strike pages (6106-6106(3)) - (6127-6131) dated 9-16-85, and substitute in lieu thereof pages (6106-6106(3)) - (6127-6131) dated 10-31-85, which provides for clarification when multiple

decisions are issued. Strike contents page (sections 6130 through 6310) dated 9-16-85, and insert in lieu thereof contents page (sections 6129 through 6310) dated 11-15-85. Strike pages (6125-6127) - (6127-6131) dated 10-31-85, and insert in lieu thereof pages (6125-6127) - (6130-6131) dated 11-15-85, which provides for referrals to the Quality Control Section, a mandatory federal program devised to insure unemployment insurance payments are in compliance with law. [entire chapter and insert in lieu thereof new chapter dated 9-16-85, which describes the proper usage of various forms and which revises the chapter's format to the standardized Department of Employment Services Manual format. Strike page (6090-6090) - (6090-6092) dated 9-16-85, and substitute in lieu thereof page (6090-6090) - (6090-6092) dated 10-22-85, which describes the proper form to use under certain circumstances. Strike page (6097-6097(3)) - (6097-6100) dated 9-16-85, and insert in lieu thereof page (6097-6097(3)) - (6097-6100) dated 10-22-85, which describes the proper form to use under certain circumstances.]

(6) [(5)] Chapter 8000 [7000], Appeals [Fraud], strike entire chapter and insert in lieu thereof new chapter dated 10-30-85 [10-18-85], which revises the chapter's format to the standardized Department for Employment Services Manual format.

(7) Chapter 9000, Extended Benefits, strike entire chapter and insert in lieu thereof new chapter dated 10-30-85, which removes FSC procedures and revises the chapter's format to the standardized Department for Employment Services Manual format.

(8) Chapter 13000, Statistical Reports, strike entire chapter and insert in lieu thereof new chapter dated 11-14-85, which revises the chapter's format to the standardized Department for Employment Services Manual format and which revises the procedures for the completion of forms.

[Section 4. Summary of Amendment. Unemployment Insurance Benefit Branch Manual. (1) Chapter 1000, Introduction, add new chapter dated 10-15-85, which revises the chapter's format to the standardized Department for Employment Services Manual format.]

[(2) Chapter 2000, State and Federal Claims Section, add new chapter dated 10-15-85, which revises the chapter's format to the standardized Department for Employment Services Manual format.]

[(3) Chapter 3000, Interstate Section, add new chapter dated 10-15-85, which revises the chapter's format to the standardized Department for Employment Services Manual format.]

[(4) Chapter 5000, the Federal Payment Section, add new chapter dated 10-15-85, which revises the chapter's format to the standardized Department for Employment Services Manual format.]

[Section 5. Summary of Amendment. Tax Collections and Accounting Branch Manual. Chapter 300, Accounting and Delinquency Section, strike page 2 of Section 391 dated 7-29-83, and substitute in lieu thereof page 2 dated 8-1-85, which revises the procedure for completing forms. Strike page 6 of Section 314.1 dated 7-29-83, and substitute in lieu thereof page 6 dated 8-1-85, which revises the procedure for completing forms. Strike page 9 of Section 314.5

dated 7-29-83, and substitute in lieu thereof page 9 dated 8-1-85, which provides that the section supervisor will verify the amount of interest earned on daily deposits and will transfer such earnings to the trust fund.]

JAMES P. DANIELS, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 6, 1985

FILED WITH LRC: December 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986, of their desire to appear and testify at the hearing: Hughes Walker, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James P. Daniels

(1) Type and number of entities affected: Unemployment insurance benefit claimants: thousands per year.

(a) Direct and indirect costs or savings to those affected: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: This amendment merely incorporates operational procedures by reference as required by KRS Chapter 13A.

Tiering:

Was tiering applied? No. (1) Procedure already in effect; (2) All claimants treated equally under the law.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division for Job Service & Special Programs
(Proposed Amendment)

903 KAR 6:020. Weatherization assistance for low income persons.

RELATES TO: KRS 194.030(9)

PURSUANT TO: KRS 13A.100, 194.050(1)

NECESSITY AND FUNCTION: Chapter 42 USC 6861 authorizes the states to implement a weatherization program. The Cabinet for Human Resources is authorized by KRS 194.050 to adopt such rules and regulations as are necessary to implement programs mandated by federal law or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement the weatherization program in accordance with applicable federal laws and regulations.

Section 1. In order to facilitate the administration of the weatherization program as authorized by 42 USC 6861 and as regulated in Title 10 CFR Part 440, the following CFR and operating manuals are adopted by reference:

(1) Title 10 Code of Federal Regulations (CFR), Part 440, as issued January 27, 1984, which authorizes states to carry out a program of weatherization assistance for low-income persons established by Chapter 42 United States Code (U.S.C.), 6861.

(2) 1985 Weatherization Manual Revised Edition issued June, 1985 and last revised November 22, 1985, which is provided to subgrantees administering the weatherization program throughout the state and includes an introduction and purpose of the Weatherization Manual, a list of subgrantees and areas served, program costs and implementation procedures for: subgrantee application and contracting; subgrantee contract modification; subgrantee private sector subcontracting; subgrantee financial management; subgrantee program operation; program monitoring and training and technical assistance; and completion and distribution of administrative reports and forms.

(3) Weatherization Assistance Program Specifications and Installations Standards Manual issued October, 1983 and last revised December 2, 1985 [May 25, 1984], which is provided to subgrantees administering the weatherization program throughout the state to establish a common set of general requirements, material standards and installation standards and includes procedures for all measures used in weatherizing a dwelling, such as reducing air infiltration, attic, floor, wall, water heater and pipe and duct insulation, heating system tune-up and installation of storm windows.

Section 2. All documents incorporated by reference herein are on file for public inspection in the Office of the Commissioner for Employment Services, 275 East Main Street, Frankfort, Kentucky 40621, and in local Community Action Agency offices located throughout the state.

Section 3. Summary of Amendments. (1) Chapters IV and X of the Weatherization Manual 1985 Revised Edition are revised November 22, 1985.

Chapter IV deletes performance awards: Chapter X issues a new revised WX-5 report with updated instructions. [Chapters I through X as issued in 1983 and last revised May, 1984, strike all and insert new Chapters I through X revised June, 1985. These revisions grant service providers the opportunity to comment on future manual revisions, establishes a method for calculating program costs and incorporates recent changes in U.S. Department of Energy regulations.]

(2) Chapters II, III, IV, V, and IX of the Weatherization Assistance Program Specifications and Installations Standards Manual are changed to incorporate new and improved weatherization measures. [903 KAR 2:010 is duplicative of requirements and procedures contained in this regulation and is repealed for the sake of simplicity and to make it easier for the public to comprehend the Weatherization Program's requirements.]

JAMES P. DANIELS, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 4, 1985

FILED WITH LRC: December 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James P. Daniels, Commissioner

(1) Type and number of entities affected: 24 local, non-profit agencies, 23 community action agencies.

(a) Direct and indirect costs or savings to those affected: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No additional reports.

(2) Effects on the promulgating administrative body: Simplifies processing.

(a) Direct and indirect costs or savings: Minimal savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:
None

Tiering:
Was tiering applied? No. All recipients of weatherization assistance are treated equally.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(Proposed Amendment)

904 KAR 1:036. Amounts payable for skilled nursing and intermediate care facility services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for skilled nursing care facility services and intermediate care facility services.

Section 1. Reimbursement for Skilled Nursing and Intermediate Care Facilities. All skilled nursing or intermediate care facilities participating in the Title XIX program shall be reimbursed in accordance with this regulation. Payments made shall be in accordance with the requirements set forth in 42 CFR 447.250 through 42 CFR 447.280. A skilled nursing facility desiring to participate in Title XIX shall be required to participate in Title XVIII-A.

Section 2. Basic Principles of Reimbursement.
(1) Payment shall be on the basis of rates which are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(2) Payment amounts shall be arrived at by application of the reimbursement principles developed by the cabinet (Kentucky Medical Assistance Program Intermediate Care/Skilled Nursing Facility Reimbursement Manual, revised November 14, 1985 [September 26, 1985], which is hereby incorporated by reference) and supplemented by the use of the Title XVIII-A reimbursement principles.

Section 3. Implementation of the Payment System. The cabinet's reimbursement system is supported by the Title XVIII-A Principles of Reimbursement, with the system utilizing such principles as guidelines in unaddressed policy areas. The cabinet's reimbursement system includes the following specific policies, components or principles:

(1) Prospective payment rates for routine services shall be set by the cabinet on a facility by facility basis, and shall not be subject to retroactive adjustment. Prospective rates shall be set annually, and may be revised on an interim basis in accordance with procedures set by the cabinet. An adjustment to

the prospective rate (subject to the maximum payment for that type of facility) will be considered only if a facility's increased costs are attributable to one (1) of the following reasons: governmentally imposed minimum wage increases; the direct effect of new licensure requirements or new interpretations of existing requirements by the appropriate governmental agency as issued in regulation or written policy which affects all facilities within the class; or other governmental actions that result in an unforeseen cost increase. For purposes of this determination, costs will be classified into two (2) general areas, salaries and other. The effective date of interim rate adjustment shall be the first day of the month in which the adjustment is requested or in which the cost increase occurred, whichever is later.

(2) The prospective rate shall not exceed, on a facility by facility basis, an administratively established maximum payment for that type of facility. The state will set a uniform rate year for SNFs and ICFs (July 1-June 30) by taking the latest audited cost data available as of May 16 of each year and trending the facility costs to July 1 of the rate year. (Unaudited, partial year, and/or budgeted cost data may be used if a full year's audited data is unavailable. Unaudited reports are subject to adjustment to the audited amount, and will be used when an audited cost report ending within twenty-four (24) months of the 30th of April preceding the rate year is not available. Facilities paid on the basis of partial year or budgeted cost reports shall have their reimbursement settled back to allowable cost, with usual upper limits applied. Facilities beginning program participation on or after July 1, 1984 whose rates are subject to settlement back to cost will not be included in the arrays until such time as the facilities are no longer subject to cost settlement.) Freestanding (non-hospital based) facilities will be arrayed and the maximum set at 102 percent of the median for the class (SNF or ICF). In recognition of the higher costs of hospital based SNFs, their upper limit shall be set at 135 percent of 102 percent of the median of allowable trended costs of all other SNFs. The maximum payment amounts will be adjusted each July 1, beginning with July 1, 1985, so that the maximum payment amount for the prospective uniform rate year will be at 102 percent of the median per diem allowable costs for the class (SNF or ICF) on July 1 of that year. For purposes of administrative ease in computations normal rounding may be used in establishing the maximum payment amount, with the maximum payment amount rounded to the nearest five (5) cents. Upon being set, the arrays and upper limits will not be altered due to revisions or corrections of data. For ICF-MRs, a prospective rate will be set in the same manner as for freestanding SNFs and basic ICFs, except that the maximum (upper limit) shall be set at 110 percent of the median of the array.

(3) The reasonable direct cost of ancillary services provided by the facility as a part of total care shall be compensated on a reimbursement cost basis as an addition to the prospective rate. Ancillary services reimbursement shall be subject to a year-end audit, retroactive adjustment and final settlement. Ancillary costs may be subject to maximum allowable cost limits under federal

regulations. Any percentage reduction made in payment of current billed charges shall not exceed twenty-five (25) percent, except in the instance of individual facilities where the actual retroactive adjustment for a facility for the previous year reveals an overpayment by the cabinet exceeding twenty-five (25) percent of billed charges, or where an evaluation by the cabinet of an individual facility's current billed charges shows the charges to be in excess of average billed charges for other comparable facilities serving the same area by more than twenty-five (25) percent. A refund will be requested from a facility if the amount paid to the facility for legend drugs, covered legend devices and non-legend drugs, if applicable, exceeds the program's computed maximum allowable cost. The amount of refund will be determined by conducting a statistically accurate sample of the Medicaid patients for the facility's fiscal year. The percentage that a facility is over the computed maximum allowable cost will be multiplied by the amount paid by the program for drugs for the fiscal year under review.

(4) Interest expense used in setting the prospective rate is an allowable cost if permitted under Title XVIII-A principles and if it meets these additional criteria:

(a) It represents interest on long-term debt existing at the time the vendor enters the program or represents interest on any new long-term debt, the proceeds of which are used to purchase fixed assets relating to the provision of the appropriate level of care. If the debt is subject to variable interest rates found in balloon-type financing, renegotiated interest rates will be allowable. The form of indebtedness may include mortgages, bonds, notes and debentures when the principal is to be repaid over a period in excess of one (1) year; or

(b) It is other interest for working capital and operating needs that directly relates to providing patient care. The form of such indebtedness may include, but is not limited to, notes, advances and various types of receivable financing; however, short-term interest expense on a principal amount in excess of program payments made under the prospective rate equivalent to two (2) months experience based on ninety (90) percent occupancy or actual program receivables will be disallowed in determining cost;

(c) For both paragraphs (a) and (b) of this subsection, interest on a principal amount used to purchase goodwill or other intangible assets will not be considered an allowable cost.

(5) Compensation to owner/administrators will be considered an allowable cost provided that it is reasonable, and that the services actually performed are a necessary function. Compensation includes the total benefit received by the owner for the services he renders to the institution, excluding fringe benefits routinely provided to all employees and the owner/administrator. Payment for services requiring a licensed or certified professional performed on an intermittent basis will not be considered a part of compensation. "Necessary function" means that had the owner not rendered services pertinent to the operation of the institution, the institution would have had to employ another person to perform the service. Reasonableness of compensation will be based on total licensed beds (all levels).

(6) The allowable cost for services or goods purchased by the facility from related organizations shall be the cost to the related organization, except when it can be demonstrated that the related organization is in fact equivalent to any other second party supplier, i.e., a relationship for purposes of this payment system is not considered to exist. A relationship will be considered to exist when an individual or individuals possess twenty (20) percent or more of ownership or equity in the facility and the supplying business; however, an exception to the relationship will be determined to exist when fifty-one (51) percent or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(7) The amount allowable for leasing costs shall not exceed the amount which would be allowable based on the computation of historical costs, except that for general intermediate care facilities entering into lease/rent arrangements prior to April 22, 1976, intermediate care facilities for the mentally retarded entering into lease/rent arrangements prior to February 23, 1977, and skilled nursing facilities entering into lease/rent arrangements prior to December 1, 1979, the cabinet will determine the allowable costs of such arrangements based on the general reasonableness of such costs.

(8) The following provisions are applicable with regard to median per diem cost center upper limits:

(a) For facilities (except ICF-MRs) beginning participation in the Medicaid program on or after April 1, 1981, (and classified as newly participating facilities for purposes of this subsection), the following upper limits (within the class) shall be applicable with regard to otherwise allowable per diem costs, by cost center: for nursing services, 125 percent of the median; for dietary services, 125 percent of the median; for capital costs, 105 percent of the median; and for all other costs, 105 percent of the median.

(b) Facilities participating in the Medicaid program prior to April 1, 1981, shall be classified as newly participating facilities (solely for purposes of this subsection) when either of the following occurs on or after April 1, 1981: first, when the facility expands its bed capacity by expansion of its currently existing plant or, second, when a multi-level facility (one providing more than one (1) type of care) converts existing personal care beds in the facility to either skilled nursing or intermediate care beds, and the number of additional or converted personal care beds equals or exceeds (in the cumulative) twenty-five (25) percent of the Medicaid certified beds in the facility as of March 31, 1981. Facilities participating in the Medicaid program prior to April 1, 1981 shall not be classified as newly participating facilities solely because of changes of ownership.

(c) For purposes of application of this subsection the facility classes are basic intermediate care and skilled nursing care. The "median per diem cost" is the midpoint of the range of all facilities' costs (for the class) which are attributable to the specific cost center, which are otherwise allowable costs for the facilities' prior fiscal year, and which are adjusted by trending and the occupancy factor.

The median for each cost center for each class shall be determined annually using the same cost data for the class which was used in setting the maximum payment amount. The Division for Medical Assistance shall notify all participating facilities of the median per diem cost center upper limits currently in effect.

(d) A facility may request that the Reimbursement Review Panel grant a waiver of its status as a newly participating facility based upon a presentation of facts showing that the provider had already incurred a substantial material financial obligation or binding commitment toward building or expanding a facility prior to April 1, 1981. The obtaining of a certificate of need shall not be construed, in itself, to be sufficient to justify approval of a waiver request, and a waiver, if granted, shall be applicable only with regard to that building or expansion for which the waiver was requested and approved.

(e) Intermediate care facilities for the mentally retarded (ICF-MRs) are not subject to the median per diem cost center upper limits shown in this subsection.

(9) Certain costs not directly associated with patient care will not be considered allowable costs. Costs which are not allowable include political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs.

(10) To determine the gain or loss on the sale of a facility for purposes of determining a purchaser's cost basis in relation to depreciation and interest costs, the following methods will be used for changes of ownership occurring before July 18, 1984:

(a) Determine the actual gain on the sale of the facility.

(b) Add to the seller's depreciated basis two-thirds (2/3) of one (1) percent of the gain for each month of ownership since the date of acquisition of the facility by the seller to arrive at the purchaser's cost basis.

(c) Gain is defined as any amount in excess of the seller's depreciated basis as computed under program policies at the time of the sale, excluding the value of goodwill included in the purchase price.

(d) A sale is any bona fide transfer of legal ownership from an owner(s) to a new owner(s) for reasonable compensation, which is usually fair market value. [Stock transfers, except stock transfers followed by liquidation of all company assets and which may be revalued in accordance with Internal Revenue Service rules, are not considered changes of facility ownership.] Lease-purchase agreements and/or other similar arrangements which do not result in transfer of legal ownership from the original owner to the new owner are not considered sales until such time as legal ownership of the property is transferred.

(e) If an enforceable agreement for a change of ownership was entered into prior to July 18, 1984, the purchaser's cost basis will be determined in the manner set forth in paragraphs (a) through (d) of this subsection.

(11) Notwithstanding the provisions contained

in subsection (10) of this section, or in any other section or subsection of this regulation or the "Kentucky Medical Assistance Program Intermediate Care/Skilled Nursing Facility Reimbursement Manual," the cost basis for any facility changing ownership on or after July 18, 1984 (but not including changes of ownership pursuant to an enforceable agreement entered into prior to July 18, 1984 as specified in subsection (10)(e) of this section) shall be determined in accordance with the methodology set forth [in the Social Security Act (as amended by the Deficit Reduction Act of 1984) and shown] herein for the reevaluation of assets of skilled nursing and intermediate care facilities.

(a) No increase will be allowed in capital costs. [The Social Security Act, Section 1861(v)(1)(O) (as published in the Commerce Clearing House Medicare/Medicaid Guide) specifies the following:]

["(i) In establishing an appropriate allowance for depreciation and for interest on capital indebtedness and (if applicable) a return on equity capital with respect to an asset of a hospital or skilled nursing facility which has undergone a change of ownership, such regulations shall provide that the valuation of the asset after such change of ownership shall be the lesser of the allowable acquisition cost of such asset to the owner of record as of the date of the enactment of this subparagraph, (or, in the case of an asset not in existence as of such date, the first owner of record of the asset after such date), or the acquisition cost of such asset to the new owner."]

["(ii) Such regulations shall provide for recapture of depreciation in the same manner as provided under the regulations in effect on June 1, 1984."]

["(iii) Such regulations shall not recognize, as reasonable in the provision of health care services, costs (including legal fees, accounting and administrative costs, travel costs, and the costs of feasibility studies) attributable to the negotiation or settlement of the sale or purchase of any capital asset (by acquisition or merger) for which any payment has previously been made under this title."]

(b) The allowable historical base for depreciation for the purchaser will be the lesser of the allowable historical cost of the seller less any depreciation allowed to the seller in prior periods, or the actual purchase price. [The Social Security Act, Section 1902(a)(13) (as published in the Commerce Clearing House Medicare/Medicaid Guide) further specifies the following:]

["(B) That the state shall provide assurances satisfactory to the Secretary that the payment methodology utilized by the State for payments to hospitals, skilled nursing facilities, and intermediate care facilities can reasonably be expected not to increase such payments, solely as a result of a change of ownership, in excess of the increase which would result from the application of section 1861(v)(1)(O)."]

(c) The amount of interest expense allowable to the purchaser is limited to the amount that was allowable to the seller at the time of the sale.

(12) Each facility shall maintain and make available such records (in a form acceptable to the cabinet) as the cabinet may require to justify and document all costs to and services

performed by the facility. The cabinet shall have access to all fiscal and service records and data maintained by the provider, including unlimited onsite access for accounting, auditing, medical review, utilization control and program planning purposes.

(13) The following shall apply with regard to the annual cost report required of the facility:

(a) The year-end cost report shall contain information relating to prior year cost, and will be used in establishing prospective rates and setting ancillary reimbursement amounts.

(b) New items or expansions representing a departure from current service levels for which the facility requests prior approval by the program are to be so indicated with a description and rationale as a supplement to the cost report.

(c) Cabinet approval or rejection of projections and/or expansions will be made on a prospective basis in the context that if such expansions and related costs are approved they will be considered when actually incurred as an allowable cost. Rejection of items or costs will represent notice that such costs will not be considered as part of the cost basis for reimbursement. Unless otherwise specified, approval will relate to the substance and intent rather than the cost projection.

(d) When a request for prior approval of projections and/or expansions is made, absence of a response by the cabinet shall not be construed as approval of the item or expansion.

(14) The cabinet shall audit each year-end cost report in the following manner: an initial desk review shall be performed of the report and the cabinet will determine the necessity for and scope of a field audit in relation to routine service cost. A field audit may be conducted for purposes of verifying [prior year] cost to be used in setting the [new] prospective rate; field audits may be conducted annually or at less frequent intervals. A field audit of ancillary cost will be conducted as needed.

(15) Year-end adjustments of the prospective rate and a retroactive cost settlement will be made when:

(a) Incorrect payments have been made due to computational errors (other than the omission of cost data) discovered in the cost basis or establishment of the prospective rate.

(b) Incorrect payments have been made due to misrepresentation on the part of the facility (whether intentional or unintentional).

(16) Reimbursement paid may not exceed the facility's customary charges to the general public for such services, except in the case of public facilities rendering inpatient services at a nominal charge (which may be reimbursed at the prospective rate established by the cabinet).

(17) The cabinet may develop and/or utilize methodology to assure an adequate level of care. Facilities determined by the cabinet to be providing less than adequate care may have penalties imposed against them in the form of reduced payment rates.

(18) Each facility shall submit the required data for determination of the prospective rate no later than sixty (60) days following the close of the facility's fiscal year. This time limit may be extended at the specific request of the facility (with the cabinet's concurrence).

(19) Each ICF which admits a recipient from an SNF during the period of September 1, 1985 through January 31, 1986 shall receive an

incentive payment of seven (7) dollars and fifty (50) cents for each day of covered care rendered such recipient, subject to the following conditions:

(a) The recipient must meet SNF patient status criteria as of August 31, 1985 only because of non-availability of an ICF bed, where the recipient is on the waiting list of an ICF; and

(b) The incentive payment may be paid for more than ninety (90) covered days of care only if all such days are prior to February 1, 1986.

(20) Each ICF which admits a recipient from an SNF on or after February 1, 1986 as a result of a change of patient status (from SNF to ICF) shall receive an incentive payment of seven (7) dollars and fifty (50) cents for each day of covered care rendered the recipient; such incentive payment shall be paid for no more than ninety (90) days of care.

(21) The incentive payment referenced in subsections (19) and (20) of this section shall be paid without regard to maximum payment limitations shown elsewhere in this regulation.

(22) Effective September 26, 1985 (for services provided on or after September 1, 1985), a participating skilled nursing facility may be paid for care provided to Medicaid eligible patients who meet intermediate care patient status criteria subject to the following criteria or conditions:

(a) The payment will be made at the upper limit for payments to intermediate care facilities, or the skilled nursing rate for the facility if lower;

(b) The patient must be in the skilled nursing facility bed awaiting placement to an intermediate care bed; and

(c) The patient must have been reclassified from SNF patient status to ICF patient status; or, alternatively, the patient must meet ICF patient status criteria, and the appropriate representative of the Department for Social Services must certify that no ICF bed is available and that an emergency exists so that placement in the SNF bed offers the best alternative in the circumstances. Payment made based on the certification that no ICF bed is available and that an emergency exists may be made for no more than thirty (30) days; however, the certification and declaration of emergency may be renewed by the Department for Social Services as appropriate and payment may be made pursuant to such renewal.

Section 4. Prospective Rate Computation. The prospective rate for each facility will be set in accordance with the following:

(1) Determine allowable prior year cost for routine services.

(2) The allowable prior year cost, not including fixed or capital costs, will then be trended to the beginning of the uniform rate year so as to reasonably take into account economic conditions and trends.

(3) The unadjusted basic per diem cost (defined as the unadjusted allowable cost per patient per day for routine services) will then be determined by comparison of costs with the facility's occupancy rate (i.e., the occupancy factor) as determined in accordance with procedures set by the cabinet. The occupancy rate shall not be less than actual bed occupancy, except that it shall not exceed ninety-eight (98) percent of certified bed days (or ninety-eight (98) percent of actual bed

usage days, if more, based on prior year utilization rates). The minimum occupancy rate shall be ninety (90) percent of certified bed days for facilities with less than ninety (90) percent certified bed occupancy. The cabinet may impose a lower occupancy rate for newly constructed or newly participating facilities, or for existing facilities suffering a patient census decline as a result of a competing facility newly constructed or opened serving the same area. The cabinet may impose a lower occupancy rate during the first two (2) full facility fiscal years an existing skilled nursing facility participates in the program under this payment system.

(4) Cost center median related per diem upper limits will then be applied as appropriate to the unadjusted basic per diem cost. The resultant adjusted amounts (and unadjusted amounts, as applicable) will be combined (or recombined) to arrive at the basic per diem cost (defined as the adjusted allowable cost per patient per day for routine services).

(5) To the basic per diem cost shall be added a specified dollar amount for investment risk and an incentive for cost containment in lieu of a return on equity capital, except that no return for investment risk shall be made to non-profit facilities, and publicly owned and operated facilities shall not receive the investment or incentive return.

(a) Cost incentive and investment schedule for general intermediate care facilities:

(Effective 8-3-85)

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
\$27.00 & below	\$.92	\$.58
28.00 - 28.99	\$.86	\$.50
29.00 - 29.99	\$.78	\$.41
30.00 - 30.99	\$.70	\$.32
31.00 - 31.99	\$.61	\$.21
32.00 - 32.99	\$.51	\$.09
33.00 - 33.95	\$.35	-

Maximum Payment \$33.95

(b) Cost incentive and investment schedule for intermediate care facilities for the mentally retarded:

(Effective 8-3-85)

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
\$56.99 & below*	-	-
57.00 - 62.99	\$1.38	\$.87
63.00 - 68.99	\$1.29	\$.75
69.00 - 74.99	\$1.18	\$.62
75.00 - 80.99	\$1.06	\$.47
81.00 - 86.99	\$.92	\$.31
87.00 - 92.99	\$.76	\$.13
93.00 - 99.06	\$.53	-

Maximum Payment \$99.06

*For a basic per diem of \$56.99 and below, the investment amount will be equal to 7.5 percent,

but not to exceed \$1.38 and the incentive amount will be equal to 5.0 percent, but not to exceed \$.87.

(c) Cost incentive and investment schedule for skilled nursing facilities:

(Effective 8-3-85)

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
\$36.99 & below	\$.92	\$.58
37.00 - 38.99	.86	.50
39.00 - 40.99	.78	.41
41.00 - 42.99	.70	.32
43.00 - 44.99	.61	.21
45.00 - 46.99	.51	.09
47.00 - 48.72	.35	-

Maximum Payment \$48.72*

*The maximum payment for hospital based skilled nursing facilities is set at \$65.77.

(6) The prospective rate is then compared, as appropriate, with the maximum payment. If in excess of the program maximum, the prospective rate shall be reduced to the appropriate maximum payment amount. The maximum payment amounts have been set to be at or about 102 percent of the median of adjusted basic per diem costs for the class, recognizing that hospital based skilled nursing facilities have special requirements that must be considered. The cabinet has determined that the maximum payment rates shall be reviewed annually against the criteria of 102 percent of the median for the class and that adjustments to the payment maximums will be made effective July 1, 1985 and each July 1 thereafter. This policy shall allow, but does not require lowering of the maximum payments below the current levels if application of the criteria against available cost data should show that 102 percent of the median is a lower dollar amount than has been currently set.

Section 5. Reimbursement Review and Appeal. Participating facilities may appeal cabinet decisions as to application of the general policies and procedures in accordance with the following:

(1) First recourse shall be for the facility to request in writing to the Director, Division of Medical Assistance, a re-evaluation of the point at issue. This request must be received within forty-five (45) days following notification of the prospective rate or forwarding of the audited cost report by the program. The director shall review the matter and notify the facility of any action to be taken by the cabinet (including the retention of the original application of policy) within twenty (20) days of receipt of the request for review or the date of the program/vendor conference, if one is held, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(2) Second recourse shall be for the facility to request in writing to the Commissioner, Department for Social Insurance, a review by a standing review panel to be established by the

commissioner. This request must be postmarked within fifteen (15) days following notification of the decision of the Director, Division of Medical Assistance. Such panel shall consist of three (3) members: one (1) member from the Division of Medical Assistance, one (1) member from the Kentucky Association of Health Care Facilities, and one (1) member from the Division of Management and Development, Department for Social Insurance. A date for the reimbursement review panel to convene will be established within twenty (20) days after receipt of the written request. The panel shall issue a binding decision on the issue within thirty (30) days of the hearing of the issue, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue. In carrying out the intent and purposes of the program the panel may take into consideration extenuating circumstances which must be considered in order to provide for equitable treatment and reimbursement of the provider. The attendance of the representative of the Kentucky Association of Health Care Facilities at review panel meetings shall be at the cabinet's expense.

Section 6. Definitions. For purposes of Sections 1 through 6 of this regulation, the following definitions shall prevail unless the specific context dictates otherwise.

(1) "Allowable cost" means that portion of the facility's cost which may be allowed by the cabinet in establishing the reimbursement rate. Generally, cost is considered allowable if the item of supply or service is necessary for the provision of the appropriate level of patient care and the cost incurred by the facility is within cost limits established by the cabinet, i.e., the allowable cost is "reasonable."

(2) "Ancillary services" means those direct services for which a separate charge is customarily made, and which are retrospectively settled on the basis of reasonable allowable cost at the end of the facilities' fiscal year. Ancillary services are limited to the following:

(a) Legend and non-legend drugs, including urethral catheters and syringes, and irrigation supplies and solutions utilized with those catheters regardless of how those supplies and solutions are utilized. Coverage and allowable cost payment limitations are specified in the cabinet's regulation on payment for drugs.

(b) Physical, occupational and speech therapy.

(c) Laboratory procedures.

(d) X-ray.

(e) Oxygen and other related oxygen supplies and inhalation therapy.

(f) Psychological and psychiatric therapy (for ICF/MR only).

(3) "Hospital based skilled nursing facilities" means those skilled nursing facilities so classified by Title XVIII-A.

(4) The "basic per diem cost" is the computed rate arrived at when otherwise allowable costs are trended and adjusted in accordance with the occupancy factor and the median cost center per diem upper limits.

(5) "Incentive factor" means the comparison of the basic per diem cost with the incentive return schedule to arrive at the actual dollar amount of cost containment incentive return to be added to the basic per diem cost.

(6) "Investment factor" means the comparison of the basic per diem cost with the investment

return schedule to arrive at the actual dollar amount of investment return to be added to the basic per diem cost.

(7) "Maximum allowable cost" means the maximum amount which may be allowed to a facility as reasonable cost for provision of an item of supply or service while complying with limitations expressed in related federal or state regulations.

(8) "Maximum payment" means the maximum amount the cabinet will reimburse, on a facility by facility basis, for routine services.

(9) "Occupancy factor" means the imposition of an assumed level of occupancy used in computing unadjusted basic per diem rates.

(10) "Prospective rate" means a payment rate of return for routine services based on allowable costs and other factors, and includes the understanding that except as specified such prospective rate shall not be retroactively adjusted, either in favor of the facility or the cabinet.

(11) "Routine services" means the regular room, dietary, medical social services, nursing services, minor medical and surgical supplies, and the use of equipment and facilities. Routine services include but are not limited to the following:

(a) All general nursing services, including administration of oxygen and related medications, handfeeding, incontinency care and tray services.

(b) Items which are furnished routinely and relatively uniformly to all patients, such as patient gowns, water pitchers, basins, and bed pans. Personal items such as paper tissues, deodorants, and mouthwashes are allowable as routine services if generally furnished to all patients.

(c) Items stocked at nursing stations or on the floor in gross supply and distributed or utilized individually in small quantities, such as alcohol, applicators, cotton balls, bandaids and tongue depressors.

(d) Items which are utilized by individual patients but which are reusable and expected to be available in an institution providing a skilled nursing or intermediate care facility level of care, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable medical equipment.

(e) Laundry services, including personal clothing to the extent it is the normal attire for everyday facility use, but excluding dry cleaning costs.

(f) Other items or services generally available or needed within a facility unless specifically identified as ancillary services. (Items excluded from reimbursement include private duty nursing services and ambulance services costs.)

[Section 7. Implementation Date. The provisions of this regulation, as amended, shall be effective with regard to services provided on or after September 26, 1985 except as otherwise specified herein.]

MIKE ROBINSON, Deputy Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health

Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected: All participating skilled nursing and intermediate care facilities.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None*

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:
*The change is considered to be technical in nature; the regulation has been amended to show specific methodology and policy as compared to general policy.

Tiering:

Was tiering applied? No. Not applicable for Medicaid regulations.

CABINET FOR HUMAN RESOURCES Department for Social Insurance Division of Management & Development (Proposed Amendment)

904 KAR 2:020. Child support.

RELATES TO: KRS 205.795

PURSUANT TO: KRS 205.795

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility for administering the Child Support Program in accordance with Title IV-D of the Social Security Act and KRS 205.710 to 205.800 and 205.992. The cabinet is required by the Social Security Act to make efforts to establish paternity and/or secure support from absent parents of children receiving public assistance [Aid to Families with Dependent Children, hereinafter referred to as AFDC,] as a result of desertion or abandonment or due to birth out-of-wedlock and for other [non-AFDC] children on application.

KRS 205.795 empowers the secretary to adopt regulations pertaining to the administration of the Child Support Program. This regulation specifies the procedure for the operation of the program.

Section 1. Compliance with Federal Regulations. The cabinet shall administer the Kentucky Child Support Program in accordance with Title IV-D of the Social Security Act and Title 45 CFR Sections 301, 302, 303, 304, [and] 305, 306 and 307.

Section 2. Relation to Title IV-A Program. The cabinet shall administer the Kentucky Child Support Program, as the program relates to Title IV-A recipients, in accordance with regulations cited in Section 1 above and Title 45 CFR Sections 205, 232, 233, 234, and 235.

Section 3. Relation to Title IV-E Program. The cabinet shall administer the Kentucky Child Support Program, as it relates to Title IV-E recipients, in accordance with regulations cited in Section 1 of this regulation and Title 45 CFR Section 1356.

Section 4. [3.] Definitions. (1) "Cabinet" shall mean the Cabinet for Human Resources.

(2) "Secretary" shall mean Secretary of the Cabinet for Human Resources.

(3) "Court order" shall mean any judgment, decree, or order of the courts of this or any other state.

(4) "Dependent child" or "needy dependent child" shall mean any person under age eighteen (18) who is not otherwise emancipated, self-supporting, married or a member of the Armed Forces of the United States and is a recipient of or an applicant for public assistance or who has applied for child support services in accordance with Title IV-D of the Social Security Act.

(5) "Duty of support" shall mean any obligation of support imposed or imposable by law or by court order, decree, or judgment whether interlocutory or final, and includes the duty to pay arrearages of support past due.

(6) "Parent" shall mean the natural or adoptive parent of a[n AFDC or non-AFDC] child and includes the father of a child born out-of-wedlock if paternity has been established in a judicial proceeding or in any manner consistent with the laws of this state.

(7) "AFDC recipient" shall mean a child or caretaker relative who is receiving AFDC as prescribed by Title IV-A of the Social Security Act.

(8) "Cooperation" shall mean the act of providing to the IV-D agency or the responsible local official any verbal or written information or documentation needed by the IV-D agency or local official for child support activities, and otherwise complying with the requirements of the Child Support Program.

(9) "Good cause" shall mean that the public assistance [AFDC] recipient has a valid and acceptable reason (as determined by the cabinet) for failing to cooperate in activities related to the Child Support Program.

(10) "Non-public assistance [Non-AFDC] recipient" shall mean any child or family who does not receive public assistance [AFDC], but does receive child support services based on an application filed with the IV-D agency or with a

responsible local official who has entered into a written agreement with the IV-D agency.

(11) "Responsible local official" shall mean the elected or appointed official in a political subdivision who is legally responsible for law enforcement activities and has entered into a written agreement with the IV-D agency.

(12) "Title IV-D agency" shall mean the organizational unit in the state that has responsibility for administering the Title IV-D (Child Support) Program.

(13) "Title IV-A agency" shall mean the organizational unit in the state that has responsibility for administering the Title IV-A (AFDC) program.

(14) "Title IV-E agency" shall mean the organizational unit in the state that has responsibility for administering the Title IV-E (foster care maintenance and adoption assistance) program.

(15) [(14)] "Paternity blood tests" shall mean those tests used in contested paternity actions including, but not limited to, ABO and Human Leucocyte Antigen (HLA) tests administered by qualified laboratories or medical personnel.

(16) "Public assistance" shall mean money grants, assistance in kind or services to or for the benefit of needy aged, needy blind, needy permanently and totally disabled persons, needy children or persons with whom a needy child lives, or a family containing a combination of these categories.

Section 5. [4.] Initiation of Child Support Action. Child support activity shall be initiated upon referral of forms from the Title IV-A or Title IV-E agency or upon application of a non-public assistance [non-AFDC] recipient to the IV-D agency or its authorized representative.

Section 6. [5.] Safeguarding Information. Pursuant to 45 CFR 303.21 [302.18] and consistent with KRS 205.175 and 205.990, the cabinet will disclose information regarding recipients of child support services only to public officials or the recognized persons, such as private attorneys, acting on behalf of the recipients of child support services, who require the information for their official duties and to other persons and agencies involved with the administration of the Child Support Program or other federally assisted programs which provide cash benefits or services to needy individuals. Pursuant to 45 CFR 303.21(b) [302.18(b)], the IV-D agency may not disclose to any committee or legislative body any information that identifies by name or address any applicant or recipient.

Section 7. [6.] Establishing Paternity. In establishing paternity for children in the Child Support Program pursuant to the Social Security Act, the cabinet may utilize any of the provisions which are contained in Kentucky Revised Statutes related to paternity.

Section 8. [7.] Securing and Enforcing Child Support. In securing or enforcing child support for children in the Child Support Program pursuant to the Social Security Act, the cabinet may utilize any of the provisions which are contained in Kentucky Revised Statutes related to child support.

Section 9. [8.] Assignment of Child Support to

IV-D Agency. (1) By accepting public assistance for or on behalf of a needy dependent child, a public assistance [an AFDC] recipient assigns to the cabinet the right to all past due and future child support including any voluntary contributions made by the absent parent. Any support income received by AFDC recipients must be forwarded to the cabinet no later than the tenth (10th) day of the month following receipt.

(2) Non-public assistance [Non-AFDC] recipients may assign their support rights to the cabinet, but these recipients are not required to make such an assignment.

Section 10. [9.] Agency Receipt of Support Payments. (1) When the support payment is made payable to the cabinet, money received is credited to the account of the non-custodial or absent parent.

(2) If both the amount of the current month's child support collection and the court ordered amount equal or exceed the AFDC grant, the IV-D agency will notify the IV-A agency, as required by 45 CFR 302.32.

Section 11. [10.] Non-Public Assistance [Non-AFDC] Recipients. The IV-D agency will provide all services to individuals who are not recipients of public assistance [AFDC] benefits as provided in 45 CFR 302.33(a). [The services will be provided without cost to the applicant except as is provided in 42 USC 453(e)(2) and 463 regarding the federal parent locator service. Additionally, any other fee which must be paid to the federal government for services will be collected by the IV-D agency from the applicant.]

(1) An application fee for these services must be paid in accordance with 45 CFR 302.33 and KRS 205.721.

(2) In addition to the fees provided for in 42 U.S.C. 453(e)(2) and 463 regarding the federal parent locator service, the state may charge a fee for federal income tax refund intercept services in accordance with 45 CFR 303.72. Additionally, any other fee which must be paid to the federal government for services will be collected by the IV-D agency from the applicant.

Section 12. [11.] Cooperative Agreements. Pursuant to 45 CFR 302.34, 42 USC 654(7) and KRS 205.800, all eligible local officials may enter into a written agreement with the cabinet to cooperate in activities relative to the Child Support Program when approved by the cabinet. When officials enter into an agreement with the cabinet, federal financial participation (FFP) for child support activities will be provided pursuant to federal laws and regulations when billing is submitted in accordance with procedures established by the cabinet. The officials shall provide the cabinet in timely fashion such statistical information concerning IV-D activities as prescribed by the cabinet in the manner and form prescribed by the cabinet. If no agreement is executed, referrals for child support activities may be made to local law enforcement officials in accordance with the official's statutory obligations, but the officials will not be eligible for reimbursement as specified above.

Section 13. [12.] Distribution of Child Support Payments. Distribution of child support payments received by the cabinet are made in

accordance with 45 CFR 302.32, 302.38, [and] 302.51, and 302.52. The first fifty (50) dollars of all child support collected in a month by the cabinet for an AFDC assistance unit which represents the current month's support obligation shall be returned to the assistance unit. Rights related to hearings as written in 904 KAR 2:055 do not apply to payment of the pass-through of support collected by the IV-D agency.

Section 14. [13.] Good Cause for Refusal to Cooperate. (1) The IV-D agency or its authorized representative must immediately notify the IV-A or IV-E agency at such time as the [AFDC] recipient refuses to cooperate in child support enforcement efforts. If the IV-A or IV-E agency should determine, pursuant to [IV-A] laws and regulations, that the recipient has a good cause for failing to cooperate and that pursuit of child support action would be detrimental to the best interests of the child, the IV-D agency will not pursue any action in the child's behalf.

(2) If the [IV-A] agency determines that the recipient has good cause for not cooperating but that additional child support action would not harm the child, the IV-D agency may proceed in the name of the cabinet for the use of and in behalf of the minor dependent child pursuant to federal laws and regulations.

Section 15. [14.] Parent Locator Service. The cabinet shall use available resources to locate absent parents for children in the Child Support Program in accordance with Kentucky Revised Statutes and applicable federal laws and regulations.

Section 16. [15.] Paternity Blood Testing. Pursuant to 45 CFR 303.5(c) the IV-D agency shall identify laboratories within the state which perform legally and medically acceptable blood tests, including ABO and HLA tests, which tend to include or exclude an alleged father in paternity proceedings under KRS Chapter 406. The IV-D agency shall make a list of such laboratories available upon request. In addition, the cabinet shall provide a list of all such laboratories to the Kentucky Bar Association and to the Administrative Office of the Courts for distribution to appropriate agencies and individuals on an annual basis.

JACK F. WADDELL, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: November 12, 1985

FILED WITH LRC: December 12, 1985 at 4 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Roy Butler

(1) Type and number of entities affected:
Foster Care - 1,800 cases; non-AFDC application fee - 13,000 cases.

(a) Direct and indirect costs or savings to those affected: Non-AFDC application fee estimated to average \$15.00 per case; \$25 per case if certified to IRS for tax refund intercept.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Estimate \$59,000 savings in state share collections for foster care. Annual revenue to cabinet of \$195,000 from non-AFDC applications for application fee. Additional \$325,000 (\$25 per case) if certified to IRS for tax refund intercept.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: Incentives at 6 percent, \$10,000 annually, for foster care.

(4) Assessment of alternative methods; reasons why alternatives were rejected:

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. N/A.

CABINET FOR HUMAN RESOURCES Department for Social Services Children's Residential Services (Proposed Amendment)

905 KAR 7:170. Cardinal Treatment Center policy and procedural manual.

RELATES TO: KRS Chapter 208

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: P.L. 97-35, Subpart C, "Social Services Block Grant - Title XX" authorizes grants to states for the provision of social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement a program for the care and treatment of children who are delinquent.

Section 1. Residential Facility Manual. The Cabinet for Human Resources hereby adopts by reference as operating policies and procedures the Cardinal Treatment Center Policy and Procedural Manual revised through October 17, [June 1,] 1985. This manual sets forth the policies and procedures for the care and treatment of juveniles residing in Cardinal

Treatment Center. This manual may be reviewed during regular working hours at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky.

Section 2. Summary of Amendments. Clarifies the number of points required to move from one (1) phase to another, the method of tabulating points, and the number of points required to participate in special activities. [Insert in numerical order in Section II, Policy No. 204, Referral and Admission Activity, dated April 22, 1985, which is designed to provide a system for the compilation of regular statistical reports, aid in the identification of inappropriate referrals, and aid in the projection of trends in population needs.]

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 13, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Hockensmith

(1) Type and number of entities affected: One
(a) Direct and indirect costs or savings to those affected:

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Manual applies to only one facility.

CABINET FOR HUMAN RESOURCES Department for Social Services Division of Aging Services (Proposed Amendment)

905 KAR 8:040. Allocation formula for Older Americans Act.

RELATES TO: KRS 205.201, 205.204

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: KRS 205.204 authorizes the cabinet to provide programs under the Older Americans Act.

Section 1. Title III of the Older Americans Act. Title III of the Older Americans Act, P.L. 97-115, Section 305(a)(2)(D), mandates that the state shall develop a formula for the distribution of funds in the state. The funding formula for allocation of Title III of the Older Americans Act for fiscal year 1985 shall be based upon the following:

(1) The amount of funds allocated to each district in FY 1985 [1984]; and

(2) Increases and decreases in FY 1986 [1985] funding were distributed based upon each ADD's share of the total FY 1985 [1984] allocation for the state.

Section 2. Title V of the Older Americans Act. The Title V funding formula for FY 1985 shall include the following: An equitable distribution of slots statewide with funds allocated based upon the number of slots per subproject sponsor in proportion to the total slots for the state.

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 13, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Hockensmith

(1) Type and number of entities affected: 15 area development districts.

(a) Direct and indirect costs or savings to those affected: Allocations may vary from previous year due to change in base year.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. Funds are allocated to each Area Development District by the same formula.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Aging Services
(Proposed Amendment)

905 KAR 8:060. Older Americans Act state plan.

RELATES TO: KRS 205.201, 205.204

PURSUANT TO: KRS 194.050

NECESSITY AND FUNCTION: P.L. 89-73, "Older Americans Act," as amended, authorizes grants to states for community planning and services and for training through research, development, or training project grants, to provide assistance in the development of new or improved programs to help older persons. KRS 194.050 authorizes the Cabinet for Human Resources to adopt such rules and regulations as are necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement the Kentucky State Plan on Aging under Title III of the Older Americans Act in accordance with applicable federal laws and regulations.

Section 1. State Plan on Aging Under Title III. The Cabinet for Human Resources hereby adopts the "State Plan on Aging Under Title III of the Older Americans Act" for Fiscal Years 1986 and 1987 [- Fiscal Year 1983-84" and the "State Plan on Aging Under Title III of the Older Americans Act - Fiscal Year 1984-85,"] by reference, as the Kentucky regulation for aging services under Title III covering all phases of the program included but are not limited to state agency organization, state agency responsibilities, planning and service area agencies on aging, needs and priorities for service, training, assessment, nutrition contracts, advocacy, ombudsman, special projects, allocation of funds, and other relevant components of the program. A copy of the State Plans on Aging under Title III of the Older Americans Act has been filed with the Department of Health and Human Services,

Administration on Aging, 101 Marietta Tower, Atlanta, Georgia 30323. A copy shall be on file and available for public review during regular working hours in the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky.

Section 2. Summary of Amendments. This is an update of the state plan. It contains no major program changes. Allocations are based on each ADD's share of the total 1985 allocation.

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 13, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Hockensmith

(1) Type and number of entities affected: 15 area development districts.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. All Area Development Districts are required to comply with the same state plan.

PROPOSED REGULATIONS RECEIVED THROUGH DECEMBER 15

KENTUCKY TREASURY

20 KAR 1:010. Access to public records of State Treasury.

RELATES TO: KRS 61.870 to 61.884

PURSUANT TO: KRS 61.876

NECESSITY AND FUNCTION: KRS 61.876 requires that each public agency shall adopt rules and regulations to provide full access to public records, to protect public records from damage and disorganization, to prevent excess disruption of its essential functions, to provide assistance and information upon request and to ensure efficient and timely action in response to application for inspection of public records. This regulation proposes to fulfill this statutory requirement.

Section 1. The principal office location for the State Treasury is the first floor of the Capitol Annex, Frankfort, Kentucky 40601. Regular office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, prevailing time in Frankfort, Kentucky.

Section 2. The title of the official custodian of the records of the State Treasury is the State Treasurer of the Commonwealth of Kentucky, whose address is Capitol Annex, Frankfort, Kentucky 40601.

Section 3. Fees to be charged for copies of public records shall be ten (10) cents for each photocopy.

Section 4. The procedure to be followed in requesting inspection of public records shall be as follows:

(1) Requests for inspection of public records shall be made directly to the State Treasurer or to the chief assistant to the State Treasurer. The name of the chief assistant shall be posted with these regulations in the Office of the State Treasury;

(2) Requests to inspect public records may be made orally or in writing, describing in reasonably sufficient detail the records to be inspected. Every reasonable attempt shall be made by the State Treasury to respond to oral requests; however, oral requests which are found to be vague, long or complex shall be required to be submitted in writing in letter form;

(3) Records shall be inspected and copied in the presence of a member of the State Treasury to protect the records from damage or disorganization, to lessen disruption of office procedure, to provide timely assistance and information upon request to the person requesting inspection, and to provide full access to public records;

(4) Suitable facilities shall be made available for inspection of public records.

Section 5. Those records which are available for inspection and those records which are unavailable for inspection are defined in KRS 61.870 to 61.884. A copy of this Act shall be displayed with this regulation in the State Treasury.

Section 6. A copy of this regulation shall be displayed in the main reception room of the State Treasury on the first floor of the Capitol Annex.

FRANCES JONES MILLS, State Treasurer

APPROVED BY AGENCY: November 19, 1985

FILED WITH LRC: November 19, 1985 at 3 p.m.

PUBLIC HEARING SCHEDULED: A public hearing has been scheduled at 10 a.m., Tuesday, January 28, 1986, in Room 107, Capitol Annex, Frankfort, Kentucky. Persons interested in attending this public hearing shall contact in writing no later than January 23, 1986: Marva M. Gay, Attorney/Principal Assistant, State Treasury, Capitol Annex, Frankfort, Kentucky 40601. *Marva M. Gay*
Copied

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Marva M. Gay, Attorney

(1) Type and number of entities affected: None.

(a) Direct and indirect costs or savings to those affected: None.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None.

(3) Assessment of anticipated effect on state and local revenues: None.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative allowed under state law.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None.

(6) Any additional information or comments: The regulation is required pursuant to KRS 61.870 to 61.884.

Tiering:

Was tiering applied? No. Tiering is neither necessary nor desirable for implementation of this regulation.

REVENUE CABINET

Department of Professional & Support Services

103 KAR 20:010. Definition of gross income.

RELATES TO: KRS 136.070

PURSUANT TO: KRS Chapter 13A

NECESSITY AND FUNCTION: This regulation defines "gross income" for determining whether a corporation is entitled to a credit against its license tax. This regulation is necessary because the law fails to provide a definition of the term, "gross income."

Section 1. As used in KRS 136.070(6) to determine if a corporation is entitled to a

corporation license tax credit of one (1) dollar and forty (40) cents for each \$1,000 of the first \$350,000 of capital employed, "gross income" means total taxable and nontaxable receipts before reduction or deduction for cost of goods sold, cost of assets sold or any other deductions.

GARY W. GILLIS, Secretary

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 13, 1985 at noon.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 24, 1986 at 10 a.m. in Room 406 of the Capitol Annex, Frankfort, Kentucky. If no written notice of intent to attend the public hearing is received within five (5) days before the scheduled hearing, the hearing will be cancelled. Those interested in attending shall notify in writing: Scott Akers, Revenue Cabinet, Division of Tax Policy and Legal Services, New Capitol Annex Building, Frankfort, Kentucky 40620.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Scott Akers

(1) Type and number of entities affected: Approximately 3,000 small corporations with gross receipts of \$500,000 or less will be affected. Approximately 30,000 corporations doing business in Kentucky are subject to the license tax. This regulation defines what gross receipts are included in the computation of total gross receipts to determine if the corporation is allowed a \$1.40 credit on the first \$350,000 of capital.

(a) Direct and indirect costs or savings to those affected:

1. First year: Taxpayers will have savings due to less correspondence and fewer assessments due to fewer errors on returns.

2. Continuing costs or savings: Same as first year above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None.

(b) Reporting and paperwork requirements: Less correspondence because there should be fewer inquiries to Revenue.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Revenue Cabinet employees will have to answer less correspondence and make fewer assessments due to more correctly filed returns.

2. Continuing costs or savings: Same as first year above.

3. Additional factors increasing or decreasing costs: None.

(b) Reporting and paperwork requirements: No additional reporting or paperwork.

(3) Assessment of anticipated effect on state and local revenues: None.

(4) Assessment of alternative methods; reasons why alternatives were rejected: None.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None.

(a) Necessity of proposed regulation if in conflict: N/A

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A

(6) Any additional information or comments:

Tiering:

Was tiering applied? Yes. The law grants a \$1.40 credit on the first \$350,000 of capital to corporations which have gross receipts of \$500,000 or less.

EDUCATION AND HUMANITIES CABINET Governor's Commission on Literacy

700 KAR 1:010. Adult literacy program fund.

RELATES TO: KRS Chapter 158

PURSUANT TO: KRS 158.795

NECESSITY AND FUNCTION: The Education and Humanities Cabinet is authorized by KRS 158.795 to administer a statewide adult literacy program. The Governor's Commission on Literacy is authorized by KRS 158.795 to provide advice and counsel to the Education and Humanities Cabinet in administering the statewide adult literacy program and the provision of services in every county. This regulation is necessary to assure uniformity in the administration of literacy program grants under the statewide adult literacy program. This regulation is filed in anticipation of the July 1, 1986, effective date in response to legislation enacted during the 1985 Special Session of the General Assembly.

Section 1. Program Purpose and Announcements.

(1) The goal for the use of the literacy program grants is to encourage and promote the development and implementation of local literacy programs, or the improvement or supplementation of existing programs, in each county.

(2) Funding cycle(s) during which applications will be received for the program will be announced annually. Deadlines for receiving proposals will be established and advertised to all existing literacy programs throughout the Commonwealth. Interested parties and community groups will be notified about the program upon request to the Governor's Commission on Literacy, hereafter referred to as the commission. More than one (1) funding cycle is anticipated annually, but this will be dependent upon the level of funding available and number of applicants funded during the first funding cycle.

Section 2. Eligibility Requirements. (1) The following may apply for funding:

(a) State agencies and units of local government (including county, municipality, city, town, local public authority and special district agencies). This also includes such intrastate entities as districts, councils of governments and multicounty units, and other state and local organizations and institutions.

(b) Profit or non-profit public or private businesses.

(c) Community based organizations or subgroups of such organizations organized expressly for the purpose of providing adult literacy services and who are incorporated, or, are a legal entity, or who have an individual who accepts responsibility for appropriate use of the grant funds.

(2) To be eligible for funding, projects must:

(a) Provide or coordinate direct adult literacy services or provide training or technical assistance to such programs.

(b) Provide services to individuals age sixteen (16) and above who read at or below a

fifth grade level, unless the application demonstrates the need and method for providing services to different ages and reading abilities, and can demonstrate that this is not a duplication of services.

(c) Be conducted in and applicable to use in Kentucky.

(d) Not charge for services except material costs may be borne by program participants; however, charges will be an exact rate paid by the program/service provider. In no instance will services be denied to persons who cannot pay.

(e) Show evidence of cooperation and coordination with other literacy programs within the community.

(f) Comply with non-discrimination requirements.

(g) Show documentation of cooperative referral between literacy and adult basic education programs.

(3) Proposals which are incomplete, subcontract for services, duplicate existing programs in the locality, or which request funds beyond the allowable maximum may be rejected.

(4) Project expenditures eligible for funding may include salaries, training, travel, operating expenses, books and materials, printing and duplicating, and equipment within limits set by the proposal guidelines. Construction expenditures are not eligible.

Section 3. Submission of Proposals. (1) Proposals must be submitted on application forms provided and within the deadline established in each funding cycle. A proposal submitted for consideration but not funded in any cycle may be resubmitted for consideration in any new funding cycle announced, providing signatures of responsible parties carry a current date.

(2) Proposals must be signed by a person who has the authority to obligate the organization to the terms of the grant or who accepts personal liability.

(3) Each applicant will be notified immediately by return postcard when a proposal is received by the commission.

Section 4. Evaluation of Proposals. (1) Project applications will be reviewed by the commission's Grant Development and Review Committee and one (1) individual involved in literacy programs in another state.

(2) After the application submittal deadline, applicants shall not be permitted to initiate contact with anyone involved in the review and evaluation process or to initiate changes in their proposal. Proposal changes or budgetary amendments may be requested by the Project Review Committee or its designee.

(3) The proposal screening process consists of the following steps:

(a) The Project Review Committee will evaluate each proposal not eliminated in the prescreening process. During this evaluation, the applicant may be contacted for additional information or clarification on the project. Criteria which will be utilized to evaluate the proposals will be:

1. The documented need for an adult literacy program, considering both the number of adults who cannot read or read well (as defined in Section 2(2)(b) of this regulation) and the extent to which there are existing literacy programs in the county.

2. Qualifications and appropriateness of the applicant agency and agency staff to carry out adult literacy programs.

3. Quality of the implementation and operation plans, including clear objectives; methods for recruiting, training and managing volunteers; outreach plans; plans for standardized measures of student progress; and instructional design.

4. Ability to evaluate the effectiveness of the program.

5. Extent of cooperation and coordination with and support of other literacy programs.

6. Ability to keep required records.

7. Completeness and appropriateness of budget and cost effectiveness.

8. Strength of plans for continuation of projects.

(b) The Project Review Committee reserves the right to recommend for funding any, all, or none of the proposals submitted in response to requests for proposals. The committee may also choose to negotiate with competing applicants from any county to encourage a joint program.

(c) Recommendations of the Project Review Committee will go to the full commission for consideration. The recommendations of the commission will be forwarded to the Secretary of Education and Humanities Cabinet who will make the final decision regarding funding awards.

(d) Applicants selected for funding will be notified by mail of the decision of their proposals no later than sixty (60) days after the deadline established for the funding cycle.

Section 5. Funding Terms and Conditions. (1) State funds appropriated for literacy programs will be allocated by county, based on the percent of adults in that county as compared to the state total who have completed only the eighth grade or less. Funds not granted to that county during the first funding cycle each year will subsequently be made available statewide.

(2) Grant fund awards will be made in two (2) semi-annual payments. The initial payment for fifty (50) percent of the award will be made at the beginning of the project period and the remainder will be made at the middle of the project period contingent upon the recipients meeting reporting and monitoring requirements. The entire grant may be paid at the beginning of project period when the applicant has a demonstrated need for receiving the payment at that time. If inappropriate or unapproved use of funds occurs, the remainder of the award may be suspended or revoked. Misused funds will be recovered.

(3) Funding of projects will be established by a document of grant conditions to be finalized after grantees are notified. The document will include requirements stipulated in this regulation and in the application guidelines.

(4) To insure proper use of funds, grantees will be held accountable for project expenses in a manner acceptable to the commission and the Secretary of the Education and Humanities Cabinet. A separate bank account for each project is required. All records will be kept for three (3) years after the end of the funding cycle, or until any audits have been completed.

(5) Grantees may invest grant funds and retain any interest earnings except that such earnings shall be deemed grant funds and be used only for express purposes of the grant and shall be reported in all documents recording project financing.

(6) After completion of each project grantees shall return any unspent grant funds.

(7) Equipment and material purchased with grant funds is owned by the grantee. If the grantee organization dissolves, the property must be given to an organization serving a public purpose and meeting non-discrimination requirements. Preference is to be given to literacy programs.

Section 6. Reporting Requirements. (1) Grantees will be required to submit to the commission quarterly reports on progress of projects and financial expenditures and encumbrances. The quarterly reports are due ten (10) working days after the end of the quarter. A final report will be required within fifteen (15) working days of the completion of the project year. Reports will be in a format designed by the commission and may include but not be limited to request for demographic data, copies of materials produced, test results, equipment inventory, and financial activities.

(2) Grantees will be required to submit information in standardized summative form which reflects student progress in the adult literacy programs.

Section 7. Requirements for Public Access. (1) Individuals authorized by the commission may visit the project site at mutually agreed upon times to observe progress, provide guidance and analyze and publicize projects supported under this program.

(2) Sharing and distributing information and materials developed under this project is a major goal of this program. Therefore, except for confidential information clearly identified in the project proposal, the results of the projects will be made a matter of public record and grantees will make their projects available for public observation at mutually agreed upon times.

Section 8. Confidentiality of Information. (1) Data which is specifically identifiable to individual students is considered confidential and recipient of project awards will develop a written policy concerning its protection.

(2) Summative information which outlines progress of students and demographic information will not be considered confidential when no particular individual can be identified by the information.

(3) The commission reserves the right to use and disseminate information and data derived from the use of these project funds to the extent such information is not protected by any claim of confidentiality.

LINDA L. HORTON, Assistant to the Secretary
JANE K. BESHEAR, Chairperson

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 12, 1985 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 21, 1986, at 9 a.m. at the Kentucky Department for Libraries and Archives. Those interested in attending this hearing shall contact: Pat Gleich, Adult Services Coordinator, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Linda L. Horton or Pat Gleich

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None beyond that anticipated by statute.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: No additional costs will be borne by the state beyond legislature appropriation. Each county will be allocated a specific sum for which only one applicant may be funded. Dollars may or may not go to general purpose local governments.

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. Uniform requirements for all local applicants is essential for program administration.

EDUCATION AND HUMANITIES CABINET Governor's Commission on Literacy

700 KAR 1:020. State adult literacy program plan.

RELATES TO: KRS Chapter 158

PURSUANT TO: KRS 158.790, 158.795

NECESSITY AND FUNCTION: The Education and Humanities Cabinet is authorized by KRS 158.795 to administer a statewide adult literacy program. The following rules and regulations are necessary for the Education and Humanities Cabinet and the Governor's Commission on Literacy to exercise its duties. This regulation is filed in anticipation of the July 1, 1986, effective date in response to legislation enacted during the 1985 Special Session of the General Assembly.

The Governor's Commission on Literacy is authorized to formulate a statewide strategy and program plan for adult literacy by KRS 158.790. It is further authorized to review and evaluate literacy programs and report findings and recommendations to the Governor, the Legislative Research Commission, and appropriate cabinet and department heads. The function of this regulation is to assist in the evaluation of existing resources and to set planning goals and

guidelines which will provide for optional utilization of all resources directed toward adult literacy programs.

Section 1. Purpose. The purpose of this regulation is to establish the process by which the state adult literacy program plan is prepared, amended and revised. The state adult literacy program plan should serve as a major policy document which provides a coordinated approach for identifying statewide literacy program needs and addressing major adult literacy issues, and, insuring the provision of adult literacy services for each county of the Commonwealth.

Section 2. Definitions. (1) "Commission" means the Governor's Commission on Literacy established pursuant to KRS 158.790, which for administrative purposes is attached to the Education and Humanities Cabinet.

(2) "Cabinet" means the Education and Humanities Cabinet acting as the body administering a statewide adult literacy program pursuant to KRS 158.795.

(3) "State adult literacy program plan" means the document duly adopted by the Governor's Commission on Literacy and approved by the Secretary of the Education and Humanities Cabinet and the Governor.

Section 3. State Adult Literacy Program Plan Development. (1) The commission shall determine the statewide adult literacy program needs of the Commonwealth after providing reasonable opportunity for the submission of written recommendations from appropriate state agencies which provide such services and other agencies as designated by the Governor for the purpose of making such recommendations.

(2) The commission shall prepare, review at least biennially and revise as necessary a preliminary state adult literacy plan for the provision and coordination of adult literacy services.

(3) The commission shall invite appropriate state agencies to review the preliminary plan and shall receive comments in writing.

(4) The commission shall give written consideration to all comments received and specify what changes are being made in the plan in response to comment, and, if changes are not being made, specify the reasons for not changing the plan. A copy of the statements shall be available for public review and provided to those agencies which submitted comments on the plan.

(5) The commission shall submit the preliminary state adult literacy program plan to the Secretary of the Cabinet for Education and Humanities.

(6) After approval of the state adult literacy program plan by the secretary, the secretary shall submit the proposal plan to the Governor for approval or disapproval.

LINDA L. HORTON, Assistant to the Secretary
JANE K. BESHEAR, Chairperson

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 12, 1985 at 1 p.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation will be held on January 21, 1986, at 9 a.m. at the Kentucky Department for Libraries and Archives. Those interested in attending this hearing shall contact: Pat

Gleich, Adult Services Coordinator, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Linda L. Horton or Pat Gleich

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Task mandated by statute.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

Tiering:

Was tiering applied? No. This regulation involves only state-level program planning.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Program Management

905 KAR 5:040. Standards.

RELATES TO: KRS 209.030(7), 209.160

PURSUANT TO: KRS 194.050, 209.030(1)

NECESSITY AND FUNCTION: KRS 209.030(1)

authorizes the Cabinet for Human Resources to adopt rules, regulations, procedures, guidelines and policies to provide for the protection of adults. KRS 209.160 authorizes additional funds from marriage licenses to be used for spouse abuse shelters. Since there are no licensing requirements for spouse abuse shelters or crisis centers, this regulation establishes reasonable performance standards for qualifying applicants for state funds related to spouse abuse shelters and crisis centers.

Section 1. Definitions. (1) "Advisory board" means any designated group to whom the governing board may delegate responsibility for study and recommendation of any function of the governing board but shall not delegate final approval, responsibility, accountability, or direction of agency policy as these shall remain the ultimate responsibility of the governing board.

(2) "Agency" means any public or non-profit

incorporated agency that has the capacity to provide services to victims of domestic violence and their families.

(3) "Cabinet" means Cabinet for Human Resources.

(4) "Crisis center" means a facility without lodging capacity which provides counseling, advocacy and domestic violence intervention services for victims of domestic violence and their families.

(5) "Department" means Department for Social Services.

(6) "Director" means the individual responsible for the administration of the agency and all related services.

(7) "Governing board" means a legally constituted group of individuals whose function is to oversee operations of spouse abuse services and with whom the state contracts for such services.

(8) "Primary service provider" means the agency within each area development district, (ADD), designated by the cabinet as the primary contractee and focal point of service delivery. The primary service provider's area of jurisdiction is limited to those counties contained in each ADD.

(9) "Secondary service provider" means an agency within an area development district other than the primary service provider, which through contract with the primary service provider or the cabinet, provides spouse abuse related services to victims of domestic violence and their families. The secondary service provider's area of jurisdiction is limited to those counties contained in each ADD.

(10) "Service area" means the counties located within the area development district within which a primary service provider and/or a secondary service provider is located.

(11) "Spouse abuse shelter" means a facility which provides temporary or emergency lodging, counseling, advocacy, food, and information and referral for victims of domestic violence and their immediate families.

(12) "Volunteer" means a person who is either third party funded or who is donating free service time and either works directly in the agency or is performing a related service at the request of the director.

Section 2. Management. (1) Each agency shall be managed by a governing board constituted so as to allow broad community participation in its activities. The governing board shall be responsible for agency compliance with all applicable federal, state and local regulations. The board shall develop written personnel rules and regulations, adopt written bylaws, and shall be responsible to submit all necessary reports, records, or information deemed necessary to determine fiscal, administrative and programmatic effectiveness.

(2) Board meetings shall be conducted in compliance with the provisions of KRS 61.805 (Open Meeting Law).

(3)(a) The governing board shall develop written personnel rules and regulations including, but not limited to:

1. Job classifications;
2. Specifications;
3. A compensation plan;
4. Attendance and leave policies;
5. Fringe benefits;
6. Affirmative action;

7. Personnel grievance procedures;

8. Hiring and firing practices.

(b) A copy of the personnel rules and regulations shall be available and distributed to all staff, volunteers and the department.

(c) The governing board shall adopt written bylaws. The bylaws shall include, but not be limited to:

1. The purpose of the agency;
2. Number of members;
3. Qualifications for board memberships
4. The types of membership
5. The method of selecting members;
6. Terms of members;
7. Officers and duties;
8. Method of election of officers and chairpersons.

(4) Minutes of each meeting of a governing board of each agency shall contain the date and place of the meeting, names of members present, the subject matter discussed and actions taken, the name of the reporter, and shall be forwarded within thirty (30) days to each member of the board(s) and to the department.

(5) In the event the agency is a subsidiary of a larger entity, the provisions of subsection (1), (2), (3) and (4) of this section shall apply to the larger entity.

Section 3. Staff. (1) In all agencies the governing board shall appoint one (1) staff person as director. The director shall have the overall responsibility for supervision of the duties and activities of all staff and volunteers, shall coordinate all shelter/agency services, fulfill all duties as required by the governing board, and shall report directly to the board on all agency activities.

(2) The agency shall maintain and/or assure the provision of such competent staff to provide services at the center or shelter. Staff and volunteers shall be at least eighteen (18) years of age unless under the direct supervision of an adult; shall have education, training or experience to perform their particular job, and a willingness to work with others, including people under stress, and to share responsibilities as necessary. Volunteers must at all times be under the overall control and direction of the director even though they are not considered paid staff.

(3) The agency shall submit to the department a staffing pattern and indicate areas of responsibility, as well as lines of authority and supervision.

(4) The agency shall provide and/or secure orientation and in-service training for staff and volunteers responsible for service delivery and shall maintain a record of the training provided.

(5) Each agency shall implement a system to assure compliance with affirmative action standards, and equal opportunity employment standards, and shall provide a system for hearing and resolving grievances of staff and volunteers.

Section 4. Physical Facilities. (1) The agency shall comply with applicable local, state and federal building, fire, safety and health codes.

(2) The shelter shall be of sound construction and suitable for residential use.

(3) The shelter shall be dry, adequately heated, ventilated, and lighted; windows, doors, stoves, heaters, furnaces, pipes, and

ventilating fans shall be protected; screening shall be provided for windows and doors unless air-conditioned; and floors shall be free from splinters and easily cleaned. All types of gas heaters and stoves shall be properly ventilated.

(4) A recreation area with comfortable furnishings in sufficient quantity to accommodate the number of children and adults using it at any one time shall be provided.

(5) Bedrooms shall be equipped with a bed for each client, of adequate size, with suitable springs, mattress, pillow, and bedding as well as adequate closet space and individual drawer space.

(6) The shelter and grounds shall be well maintained.

(7) Each agency shall maintain a security system to provide for the physical safety of the client.

Section 5. Medical and Dental. The agency shall assure access to emergency medical and dental services are available within the community or within close proximity.

Section 6. Meals. The agency shall provide all clients with three (3) meals per day, each including foods from at least three (3) of the four (4) basic food groups.

Section 7. Services. (1) The agency shall maintain and provide services on a continuing basis and for such hours as are necessary to meet the needs of eligible persons.

(2) Staff of the agency are to apprise clients of resources available from the agency or by referral which may assist them in the solution of their problems.

(3) Upon entrance into the crisis center or spouse abuse shelter, or when receiving any spouse abuse service, the following minimal information shall be obtained and recorded in a permanent record:

(a) Name, date of birth, sex, address, marital status.

(b) Names and date of birth of any accompanying dependents.

(c) Identification of reason for intake.

(d) Identification of any physical injury.

(e) Any medical attention provided.

(f) Identification of any physical condition or ailment which may impact upon services to be offered the client.

(g) Any prior contacts with any crisis center or spouse abuse shelter.

(4) Immediately following gathering the information required in subsection (3) of this section, the information shall be reported to the offices of the department located within the county where the facility exists in accordance with the department's spouse abuse reporting policy. This report shall constitute compliance with the provisions of KRS 199.335(2) and 209.030(2).

(5) Upon completion of the gathering of information as required in subsection (3) of this section, a service plan shall be developed for each individual and accompanying dependents setting forth a summary of services needed by the individual and available within the facility and community.

(6) Referral of the client for services outside the crisis center or spouse abuse shelter shall be documented and maintained in the client's permanent case record. Service

coordination with all other agencies shall also be documented in the case record.

(7) Daily program activities shall be offered with emphasis upon each client's physical, intellectual and social needs.

(8) The agency shall have and enforce a policy which prohibits possession of any weapon, alcohol or nonprescribed drugs while in the facility.

(9) In no instance shall cruel or unusual punishment be used.

(10) Each agency shall develop, subject to department approval, procedures to provide for the movement to more appropriate accommodations for those clients who present a danger to self or others or those clients who refuse to comply with facility rules.

(11) Each agency shall establish written procedures to be given to each client upon initial contact describing the services to be rendered and a method for handling client complaints. The complaint procedure shall include an opportunity for the client to have access to department's grievance procedure for review. The department shall have access to all client records in the possession of each agency for review upon the filing of a service complaint by the client.

(12) Each agency shall assure that services are available to all residents in the ADD in which the agency is located. An agency may accept referrals on a statewide basis so long as space is available. Each agency shall cooperate with other spouse abuse agencies on a statewide basis.

(13) Each agency shall develop and implement, subject to department approval, procedures for emergency and/or temporary shelter closure.

(14) Each agency shall maintain a record of any unusual incidents involving a client or clients and shall forward a copy of same to the department.

(15) Each agency shall develop and implement a plan for the provision of outreach services in all counties of the area development district in which it is located.

Section 8. Records. (1) Client case records shall be maintained on each individual or family unit served by the crisis center or residing in the spouse abuse shelter during the time that the client or family unit is receiving services.

(2) Client case records of each agency shall be maintained as confidential and shall not be shared with any person outside the cabinet. Any records of the Cabinet for Human Resources, Department for Social Services, in the possession of any agency are strictly confidential and shall be shared with other individuals and/or organizations only as provided in KRS 209.140, KRS 194.060, and KRS 199.335 and with the prior written permission of the department.

(3) The department shall have access to the agency property and to records of all services provided, including but not limited to agency financial and client case records for the purpose of auditing and monitoring.

Section 9. 905 KAR 5:010, Standards, is hereby repealed.

ANNA GRACE DAY, Commissioner

E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 13, 1985 at 11 a.m.
PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Hockensmith

(1) Type and number of entities affected: Spouse abuse shelters partially funded by state funds - 15 at present.

(a) Direct and indirect costs or savings to those affected: The revised standards may or may not result in additional costs or savings.

1. First year: There could be a slight increase in cost to meet the standards initially.

2. Continuing costs or savings: Once standards are met, continuing costs would be minimal.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Limit completion to agencies that can meet these minimum standards.

(b) Reporting and paperwork requirements: Requires governing board to maintain management records.

(2) Effects on the promulgating administrative body: Assures agency that the contractor is capable of providing the service purchased.

(a) Direct and indirect costs or savings: None.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. All contractors expected to meet the same standards.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Program Management

905 KAR 5:050. Funding.

RELATES TO: KRS 209.030(7), 209.160

PURSUANT TO: KRS 209.030(1), 194.050

NECESSITY AND FUNCTION: KRS 209.030(7) requires the Cabinet for Human Resources to provide protective services for adults except in cases where the adult refuses such services. KRS 209.160 creates a trust and agency account, to receive funds from the issuance of marriage

licenses and charges the cabinet with the responsibility of using these funds for the purpose of providing protective shelter services for spouse abuse victims. KRS 209.030(1) authorizes the cabinet to adopt such rules, regulations, procedures, guidelines or policies necessary to protect adults. The function of this regulation is to set forth the requirements necessary for spouse abuse shelters and programs to receive funding.

Section 1. Definitions. (1) "Annual plan and budget" means the annual application for funding submitted by each spouse abuse shelter or crisis center.

(2) "Cash" means any non-state money or funds given to the agency for use in the spouse abuse shelter or related service, and which is not used to match any other grant or contract.

(3) "Certified expenditure" means any non-state cash expenditures incurred by the agency when such expenditures are determined to be allowable, reasonable and necessary under applicable state laws and regulations and are not used to match any other grant or contract. Such certified expenditures may be incurred by the agency whether public or private non-profit, or may be certified on behalf of the provider by a third party which may also be a public or private non-profit organization.

(4) "In-kind contribution" means property or services which directly benefit the services purchased; which are contributed by the agency or a third party without expenditure by the agency; and would have been an allowable, reasonable and necessary cost in accordance with state laws and regulations, if purchased by the agency.

(5) "Match" means locally generated funds or expenditures in the form of certified expenditures, in-kind contributions and/or cash provided by a contract agency as required to obtain state funding.

Section 2. General Funds. (1) Method of allocation. Of the amount of general funds that are appropriated to the cabinet for spouse abuse shelter for each fiscal year, ninety-five (95) percent shall be allocated annually for the operation of these services by the designated primary service providers, and five (5) percent shall be retained by the cabinet for a six (6) month period to be used for the operation of supportive services by secondary service providers, and for emergency needs of one (1) or more primary service providers. After the first six (6) months of each fiscal year, the remaining unobligated funds shall be available for distribution among the designated primary service providers, based on validated need for increased funding.

(2) Primary service provider.

(a) Eligibility criteria. The cabinet shall designate one (1) primary service provider for each area development district to receive an allocation of general funds. Such designation shall be in effect unless rescinded following a review of the agency's performance and/or its annual plan and budget proposal for the upcoming year. The agencies which will be initially designated as primary service providers by the cabinet shall be those receiving state general funds under contract as of the effective date of these regulations.

(b) Selection process. Each primary service

provider shall be selected according to the cabinet's predesigned contract review and selection process. Each selected agency shall submit a properly executed annual plan and budget proposal which shall indicate each agency's capacity to provide spouse abuse shelter and other related services for abused spouses and their children. The application for funding shall be in the form and format prescribed by the department. Each agency's application for funding shall specify the type and kind of services it proposes to perform, either as a provider or under subcontract, detailed fiscal considerations, and assurances that the agency and/or all subcontractors will comply with all applicable federal and state regulations. Each agency's proposal shall include a commitment to provide outreach services in all counties of the area development district in which it is located.

(c) Match. Each primary service provider shall provide funds at the rate of twenty-five (25) percent local match to seventy-five (75) percent state general fund dollars. Of the required local match, five (5) percent shall be cash and the remainder may be provided in any combination of cash, certified expenditures, or in-kind contributions. No match shall be provided by any state funded spouse abuse program to or on behalf of another spouse abuse contractor.

(d) Geographic areas. The cabinet shall allocate general funds to primary service providers in each of the area development districts.

(3) Secondary service provider.

(a) Eligibility criteria. An agency that is properly organized and has the capacity to provide crisis center or spouse abuse shelter or related services in accordance with federal and state laws and regulations may enter into a written subcontract agreement with the primary service provider. If after negotiations, the primary service provider and the applying agency find they cannot agree on a subcontract, and the applying agency can document the need for its services, the applying agency may then request that the department consider them for funding under the following conditions:

1. The applying agency can submit proof that the service is needed by both the primary service provider and the ADD community.

2. The applying agency can document its willingness to cooperate with other major service providers in the same ADD.

3. The applying agency can document its efforts to subcontract and the basis for failure to effect a subcontract with the primary service provider.

4. The applying agency submits a request that the department review all existing and necessary information and that the department render a final funding decision.

(b) Selection process. After the department has received all of the required information from the applying agency, meetings will be scheduled with the applying agency and the primary service provider to determine if the submitted information justifies the need for funding before rendering one (1) of the following decisions:

1. If the service is not needed nor properly justified, no contract will be awarded.

2. If the service is needed by the primary service provider and the applying agency cannot agree to subcontract, a contract may be awarded

in accordance with the cabinet's predesigned contract and review processes. The applying agency shall coordinate their service programs with the primary service provider in order to avoid duplication of services. A local agreement must be executed between the primary and secondary service provider and submitted to the department for final approval. The local service agreement must outline the services to be provided, the coordination of these services, and a willingness to cooperate in the provision of services. It shall be department policy that all secondary service providers subcontract with the primary service provider to obtain second year funding.

3. If the service is needed and the department determines that it must be funded through the primary service provider for the current fiscal year, then the applying agency will be referred back to the primary service provider to resume subcontract negotiations.

(c) Match. Secondary service providers shall provide matching funds as described in subsections (2) and (2)(c) of this section. No match may be provided by any state funded spouse abuse program to or on behalf of another spouse abuse contractor.

(d) Documentation. All primary and secondary service providers shall maintain documentation of the local match that is sufficient to determine that all requirements of this regulation are met. Records documenting local match, regardless of the type or source, shall be available to the cabinet and/or authorized entities for the purpose of audit.

(e) Disallowance. All primary and secondary service providers may be subject to disallowances and reimbursement to the Commonwealth, if such local match is not documented by the provider or third party.

Section 3. Trust and Agency Funds. (1) Eligibility criteria. In order to be able to receive trust and agency funds, an agency must be designated as a primary service provider.

(2) Method of allocation. Of the trust and agency spouse abuse funds coming to the cabinet, ninety (90) percent shall be equally allocated among the designated primary service providers and ten (10) percent shall be retained by the cabinet to be used as emergency funds for primary service providers during the fiscal year on an as-needed basis. If any balance remains in the emergency funds at the end of the fiscal year this shall be added back to current year trust and agency funds.

(3) Unexpended funds. If all of the funds allocated to a primary service provider at the beginning of each fiscal year are not expended, then they may be held by the cabinet to be expended by the same primary service provider the following year in accordance with the approved annual plan and budget. If the designated primary service provider changes and a new primary service provider has been selected by the cabinet, then all remaining unencumbered funds allocated to that agency shall return to the cabinet. The cabinet may at its option assign these funds to the new primary service provider or designate them to the emergency fund for distribution as established in subsection (2) of this section.

Section 4. 905 KAR 5:020, Allocation for trust and agency funds for spouse abuse shelters, and

905 KAR 5:030, Matching formula for general funds, are hereby repealed.

ANNA GRACE DAY, Commissioner
E. AUSTIN, JR., Secretary

APPROVED BY AGENCY: December 12, 1985

FILED WITH LRC: December 13, 1985 at 11 a.m.

PUBLIC HEARING SCHEDULED: A public hearing on this regulation has been scheduled for January 21, 1986 at 9 a.m. in the Department for Health Services Auditorium, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by January 16, 1986 of their desire to appear and testify at the hearing: R. Hughes Walker, General Counsel, Cabinet for Human Resources, 275 E. Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Hockensmith

(1) Type and number of entities affected: Agencies that apply to contract for spouse abuse shelters - 15 at present.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): Establishes a primary service provider in each

area development district and requires other providers to contract with the primary provider.

(b) Reporting and paperwork requirements: Subcontracts for primary provider agencies.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Reduces contract negotiation to one per area development district.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected:

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

Tiering:

Was tiering applied? No. The method of funding is consistent for all contractors.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the December 9-10, 1985 Meeting

The December meeting of the Administrative Regulation Review Subcommittee was held on Monday, December 9, 1985 at 2 p.m. and on Tuesday, December 10, 1985 at 10 a.m. in Room 103. Representative Bill Brinkley, Chairman, called the meeting to order, and the secretary called the roll. On motion of Senator McCuiston, seconded by Representative Meyer, the minutes of the November 11-12, 1985 meeting were approved.

Present were:

Members: Representative Bill Brinkley, Chairman; Senators Harold Haering, and Pat McCuiston; Representatives James Bruce and Joe Meyer.

Guests: Representative Greg Stumbo; Clayton Gabbard, Anne Keating, Department of Personnel; Arthur Hatterick, Jr., Jim Terry, Personnel Board; Jim Ahler, Board of Accountancy; Julio Polio, Richard L. Ross, Board of Pharmacy; Stephen Frank, Real Estate Commission; Bill Graves, Peter W. Pfeiffer, Tom Young, Department of Fish and Wildlife Resources; Clyde P. Baldwin, Laura D. Keller, Timothy Kuryla, George Risk, Natural Resources and Environmental Protection Cabinet; Gary Bale, Jim Judge, Elizabeth Nelli, and H. M. Snodgrass, Department of Education; William E. Doyle, Department of Financial Institutions; Frank F. Chuppe, State Racing Commission; Judith G. Walden, Department of Housing, Buildings and Construction; Roy Butler, Barbara Coleman, Ked Fitzpatrick, Lynne Flynn, Eric Friedlander, Gary Grubbs, Michael Harmon, N. Clifton Howard, Clifford Jennings, Greg Lawther, Delano Miller, Sharon Perry, Phillip R. Spangler, Sue Tutt, John Webb, Sarah

Wilding, and Mark Yancey, Cabinet for Human Resources; Teresa Champion, Jim Judy Ky. Association of Health Care Facilities; Russell Hester, Ky. Hospital Association.

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, June Mabry, Donna Valencia, and Carla Arnold.

The Subcommittee had no objections to the following regulation, but makes the following recommendations or statements:

Department of Personnel: Personnel Rules

101 KAR 1:140 (Service regulations.)

101 KAR 1:200 (Rules for unclassified service.) The subcommittee noted the issues raised in the two regulations above. Chairman Brinkley moved that the following statement be attached, which was seconded by Representative Bruce, and passed by the subcommittee: "Two bill drafts relating to the issues raised by these and other personnel regulations have been presented for General Assembly action during the session. These regulations are referred to the House and Senate State Government Committees and to the sponsors of the bills."

Cabinet for Human Resources: Department for Health Services: Hospitalization of Mentally Ill/Mentally Retarded

902 KAR 12:080 (Policies and procedures for mental health/mental retardation facilities.) Representative Bruce asked whether or not these regulations provided that the issue of involuntary commitment would be determined by a

judge rather than a jury. The subcommittee approved a motion to refer this issue to the House and Senate Judiciary Committees.

Department for Social Services: Medical Assistance

204 KAR 1:236 (Amounts payable for skilled nursing and intermediate care facility services.) Mr. Jim Judy, KAHCF, who spoke in opposition to this regulation, stated that he felt the agency did not consider the quality of care in and access to nursing homes; that federal agencies had not approved the recommended changes; and that interested parties had not received copies of the statement of consideration. Chairman Brinkley pointed out that, since the emergency regulation would remain in effect, it might be beneficial to all parties for the regulation to be deferred. The agency declined to defer. The subcommittee approved a motion: (1) to attach the following statement to this regulation: "It seems questionable whether or not this regulation complied with the procedure mandated by KRS Chapter 13A;" and (2) that this statement be conveyed to the Secretary of the Cabinet by certified letter.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Finance and Administration Cabinet: Board of Accountancy

201 KAR 1:035 (Application to take examination.)

Board of Pharmacy

201 KAR 2:010 (Schools approved by the board.)

201 KAR 2:125 (Drug products in aerosol-nebulizer delivery systems.)

201 KAR 2:135 (Drug products with bioequivalence problems.)

201 KAR 2:140 (Drug products having drug standards deficiencies.)

201 KAR 2:155 (Suppositories and enemas for systemic use.)

General Government Cabinet: Kentucky Real Estate Commission

201 KAR 11:190 (Rules of practice and procedure for hearings before the Kentucky Real Estate Commission.) This regulation was technically amended to delete repetition in Section 3. While the Subcommittee had no objections to this regulation, Representative Meyer asked whether subsection (4) of Section 3 would permit utilization of the investigative file against the respondent during the hearing, but still preclude review of the file by the respondent. The agency responded that this was not its intent.

Tourism Cabinet: Fish and Wildlife Resources: Fish

301 KAR 1:015 (Boats and outboard motors; size limits.)

301 KAR 1:055 (Angling; limits and seasons.)

301 KAR 1:145 (Gear allowed for commercial fishing.)

Game

301 KAR 2:220 (Hunting seasons for migratory birds.)

Natural Resources and Environmental Protection: Department for Environmental Protection: Water Quality

401 KAR 5:005 (Permits to discharge sewage; industrial and other wastes; definitions.)

401 KAR 5:050 (Definitions and general provisions; KPDES permitting program.)

401 KAR 5:055 (Scope and applicability of the KPDES program.)

401 KAR 5:060 (KPDES application requirements.)

401 KAR 5:065 (KPDES permit conditions.)

401 KAR 5:070 (Provisions of the KPDES permit.)

401 KAR 5:075 (Cabinet review procedures for KPDES permits.)

401 KAR 5:080 (Criteria and standards for the KPDES.)

401 KAR 5:085 (KPDES discharge permit and variance fees.) This regulation was technically amended to clarify references to federal regulations.

Department for Surface Mining and Reclamation: General Provisions

405 KAR 7:015 (Documents incorporated by reference.)

405 KAR 7:090 (Hearings.)

Bond and Insurance Requirements

405 KAR 10:030 (Types, terms and conditions of performance bonds and liability insurance.)

Areas Unsuitable for Mining

405 KAR 24:030 (Process and criteria for designating lands unsuitable for surface mining operations.)

Education and Humanities Cabinet: Department of Education: Office of Local Services: General Administration

702 KAR 1:010 (Facilities surveys and plans.)

Office of Instruction: Instructional Services

704 KAR 3:005 (Educational Improvement Act.)

Teacher Certification

704 KAR 20:290 (Certification for early elementary level.)

Public Protection and Regulation Cabinet: Department of Financial Institutions

Securities

808 KAR 10:220 (Registration exemptions - NASDAQ/NMS exemption.)

808 KAR 10:230 (Fee payment - KRS 292.380(5))

Kentucky State Racing Commission: Thoroughbred Rules

810 KAR 1:013 (Entries, subscriptions and declarations.)

810 KAR 1:018 (Medication; testing procedures.)

Department of Housing, Buildings, and Construction: Kentucky Building Code

815 KAR 7:013 (Kentucky Building Code plan review fees.)

Mobile Homes and Recreational Vehicles

815 KAR 25:010 (Mobile homes.)

815 KAR 25:020 (Recreational vehicles.)

Cabinet for Human Resources: Department for Health Services: Local Boards of Health

902 KAR 8:020 (Policies and procedures for local health department operations.)

State Health Plan

902 KAR 17:010 (State health plan.)

Certificate of Need and Licensure

902 KAR 20:106 (Operation and services; ambulatory surgical center.) The agency explained that the amendments to this regulation

ADMINISTRATIVE REGISTER - 1204

were necessary because of a recent court decision. Representative Meyer asked whether or not the state was extending the statute of limitations beyond the four year period. The agency stated that it was not extending the period but that it was proposing legislation to extend the period in conformity with federal suggestions or requirements. Representative Meyer stated that he would vote against the approval of this regulation.

Public Assistance

904 KAR 2:116 (Low income home energy assistance program.)

904 KAR 2:140 (Supplementary policies for programs administered by the Department for Social Insurance.)

904 KAR 2:170 (Incorporation by reference of materials relating to the Child Support Program.)

904 KAR 3:090 (Incorporation by reference of materials relating to the Food Stamp Program.)

The following regulation was deferred at the agency's request:

Public Protection and Regulation Cabinet:
Harness Racing Commission: Quarter Horse,
Appaloosa, and Arabian Commission

812 KAR 1:050 (Jockeys.)

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee adjourned at 10:30 a.m. until January 6, 1985.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	G2
KRS Index.....	G8
Subject Index to Volume 12.....	G15

LOCATOR INDEX -- EFFECTIVE DATES

NOTE: Emergency regulations expire 90 days from publication or upon replacement or repeal.

VOLUME 11

Regulation	11 Ky.R. Page No.	Effective Date	Regulation	11 Ky.R. Page No.	Effective Date
1 KAR 1:010			405 KAR 18:050		
Amended	169		Amended	1851	8-13-85
405 KAR 7:020			405 KAR 18:170		
Amended	228	10-9-84	Amended	1864	8-13-85
Amended	1791	8-13-85	405 KAR 20:030		
405 KAR 7:080			Amended	1865	8-13-85
Amended	1800	8-13-85	804 KAR 4:250	360	9-11-84
405 KAR 12:010			Amended	1893	8-13-85
Amended	1831	8-13-85	804 KAR 11:030	1968	8-13-85
405 KAR 16:050			812 KAR 1:050		
Amended	1837	8-13-85	Amended	1505	
405 KAR 16:170			902 KAR 20:132		
Amended	1850	8-13-85	Amended	78	10-9-84
			Amended	1933	8-13-85

VOLUME 12

Emergency Regulation	12 Ky.R. Page No.	Effective Date	Emergency Regulation	12 Ky.R. Page No.	Effective Date
101 KAR 1:051E	643	10-29-85	904 KAR 1:013E	317	8-2-85
201 KAR 9:021E	646	11-4-85	Replaced	368	10-8-85
301 KAR 2:044E	313	8-2-85	904 KAR 1:015E	319	8-2-85
Replaced	347	10-8-85	Replaced	370	10-8-85
301 KAR 2:220E	468	10-1-85	904 KAR 1:020E	649	11-4-85
Replaced	631	12-10-85	904 KAR 1:022E	394	8-30-85
302 KAR 1:030E	99	7-2-85	Replaced	451	11-12-85
Replaced	345	9-10-85	904 KAR 1:031E	319	8-2-85
302 KAR 20:010E	101	7-2-85	Replaced	370	11-12-85
Replaced	220	9-10-85	904 KAR 1:036E	112	6-28-85
302 KAR 20:065E	102	7-2-85	Expired		8-2-85
Replaced	221	9-10-85	Resubmitted	320	8-2-85
302 KAR 31:010E	648	10-29-85	Expired		9-26-85
405 KAR 7:020E	1139	12-2-85	Resubmitted	473	9-26-85
405 KAR 8:050E	1147	12-2-85	Replaced	615	12-10-85
405 KAR 20:070E	1152	12-2-85	904 KAR 1:045E	118	6-28-85
600 KAR 1:045E	315	7-26-85	Expired		8-2-85
Replaced	293	9-10-85	Resubmitted	326	8-2-85
603 KAR 5:070E	104	7-8-85	Replaced	378	10-8-85
Replaced	231	9-10-85	904 KAR 1:055E	119	6-28-85
702 KAR 7:070E	1153	11-18-85	Replaced	282	9-10-85
704 KAR 3:355E	391	7-13-85	904 KAR 1:250E	120	7-10-85
Replaced	417	11-12-85	Replaced	284	9-10-85
704 KAR 20:045E	107	6-26-85	Resubmitted	479	10-8-85
Replaced	239	9-10-85	Expired		11-12-85
815 KAR 7:013E	472	9-25-85	Resubmitted	650	11-12-85
Replaced	638	12-10-85	904 KAR 1:310E	327	8-2-85
902 KAR 6:060E	109	7-10-85	Replaced	386	10-8-85
Replaced	258	9-10-85	904 KAR 2:006E		
902 KAR 12:030E	110	6-27-85	Replaced	6	5-17-85
Replaced	260	9-10-85	Resubmitted	6	5-17-85
902 KAR 12:080E	1154	11-18-85	Replaced		7-9-85
Replaced	609	12-10-85	904 KAR 2:116E	481	9-27-85
903 KAR 2:010E	1	6-11-85	Replaced	623	12-10-85
Expired		6-28-85	904 KAR 2:140E	121	7-10-85
903 KAR 5:270E	110	6-28-85	Replaced	286	9-10-85
Replaced	272	9-10-85	Resubmitted	484	10-8-85
903 KAR 6:020E	111	6-28-85	Replaced	626	12-10-85
Replaced	273	9-10-85	904 KAR 2:150E	122	7-10-85
904 KAR 1:010E	316	8-2-85	Replaced	287	9-10-85
Replaced	365	11-12-85	904 KAR 2:170E	123	7-10-85
904 KAR 1:011E	2	5-17-85	Replaced	288	9-10-85
Replaced	1938	7-9-85	Resubmitted	485	10-8-85
			Replaced	627	12-10-85

ADMINISTRATIVE REGISTER - G3

Emergency Regulation	12 Ky.R. Page No.	Effective Date	Regulation	12 Ky.R. Page No.	Effective Date
904 KAR 2:200E	9	6-11-85	201 KAR 2:155		
Replaced	73	8-13-85	Amended	500	12-10-85
904 KAR 3:090E	124	7-10-85	201 KAR 3:065	86	8-13-85
Replaced	289	9-10-85	201 KAR 9:021		
Resubmitted	486	10-8-85	Amended	668	
Replaced	628	12-10-85	201 KAR 11:190	630	12-10-85
905 KAR 1:180E	327	7-17-85	201 KAR 12:050		
Replaced	290	9-10-85	Amended	670	
905 KAR 6:020E	396	8-23-85	201 KAR 12:105		
Expires		12-30-85	Amended	671	
905 KAR 7:030E	9	6-6-85	201 KAR 12:120		
Replaced	75	8-13-85	Amended	672	
905 KAR 7:060E	14	6-11-85	201 KAR 16:010		
Replaced	79	8-13-85	Amended	409	11-12-85
905 KAR 7:080E	14	6-6-85	201 KAR 18:150	291	9-10-85
Replaced	80	8-13-85	201 KAR 20:030		
			Repealed	17	7-9-85
			201 KAR 20:050		
			Repealed	17	7-9-85
			201 KAR 20:162	87	
			Amended	328	8-13-85
			201 KAR 20:310		
			Amended	17	7-9-85
			201 KAR 22:031		
			Amended	215	9-10-85
			201 KAR 22:052		
			Amended	217	9-10-85
			201 KAR 22:106		
			Amended	218	9-10-85
			201 KAR 23:120		
			Amended	1157	
			301 KAR 1:015		
			Amended	501	12-10-85
			301 KAR 1:055		
			Amended	502	12-10-85
			301 KAR 1:145		
			Amended	503	12-10-85
			301 KAR 2:044		
			Amended	347	10-8-85
			301 KAR 2:045		
			Amended	18	7-9-85
			301 KAR 2:111		
			Amended	25	8-13-85
			301 KAR 2:140		
			Amended	672	
			301 KAR 2:200		
			Repealed	631	10-1-85
			301 KAR 2:210	89	8-13-85
			301 KAR 2:220	631	12-10-85
			301 KAR 3:030		
			Amended	29	8-13-85
			302 KAR 1:030		
			Amended	30	
			Amended	345	9-10-85
			302 KAR 20:010		
			Amended	220	9-10-85
			302 KAR 20:055		
			Amended	19	8-13-85
			302 KAR 20:065		
			Amended	221	9-10-85
			302 KAR 31:010	1093	
			302 KAR 34:040	293	9-10-85
			401 KAR 5:005		
			Amended	504	12-10-85
			401 KAR 5:026		
			Reprint	303	4-9-85
			401 KAR 5:050		
			Amended	507	12-10-85
			401 KAR 5:055		
			Amended	511	12-10-85
			401 KAR 5:060		
			Amended	528	12-10-85

Regulation	12 Ky.R. Page No.	Effective Date
1 KAR 4:005		
Amended	22	8-13-85
1 KAR 5:010	456	11-12-85
11 KAR 4:050		
Amended	659	
11 KAR 5:010		
Amended	408	11-12-85
11 KAR 5:080		
Amended	660	
11 KAR 5:090		
Amended	661	
11 KAR 5:100		
Amended	662	
11 KAR 6:010		
Amended	408	11-12-85
15 KAR 1:020		
Repealed	458	11-12-85
15 KAR 1:021	458	11-12-85
20 KAR 1:010	1193	
101 KAR 1:051		
Amended	663	
101 KAR 1:120		
Amended	213	9-10-85
101 KAR 1:140		
Amended	487	12-10-85
101 KAR 1:200		
Amended	492	12-10-85
103 KAR 7:020		
Amended	666	
103 KAR 20:010	1193	
103 KAR 27:080		
Amended	1156	
103 KAR 28:050		
Repealed	651	11-12-85
103 KAR 28:051	458	
Amended	651	11-12-85
200 KAR 14:080	83	8-13-85
201 KAR 1:035		
Amended	497	12-10-85
201 KAR 1:062	84	
Withdrawn		6-28-85
201 KAR 2:010		
Amended	498	12-10-85
201 KAR 2:125		
Amended	498	12-10-85
201 KAR 2:135		
Amended	499	12-10-85
201 KAR 2:140		
Amended	499	12-10-85

ADMINISTRATIVE REGISTER - G4

Regulation	12 Ky.R. Page No.	Effective Date	Regulation	12 Ky.R. Page No.	Effective Date
401 KAR 5:065			401 KAR 34:210		
Amended	540	12-10-85	Amended	785	
401 KAR 5:070			401 KAR 34:220		
Amended	550	12-10-85	Amended	788	
401 KAR 5:075			401 KAR 34:230		
Amended	554	12-10-85	Amended	793	
401 KAR 5:080			401 KAR 34:240		
Amended	559	12-10-85	Amended	798	
401 KAR 5:085			401 KAR 35:010		
Amended	566	12-10-85	Amended	801	
401 KAR 6:300			401 KAR 35:020		
Amended	143	8-13-85	Amended	804	
401 KAR 6:310			401 KAR 35:050		
Amended	144	8-13-85	Amended	807	
401 KAR 30:010			401 KAR 35:070		
Amended	674		Amended	810	
401 KAR 30:020			401 KAR 35:180		
Amended	684		Amended	814	
401 KAR 30:070			401 KAR 35:190		
Amended	686		Amended	815	
401 KAR 30:080	1093		401 KAR 35:200		
401 KAR 31:010			Amended	816	
Amended	687		401 KAR 35:210		
401 KAR 31:040			Amended	819	
Amended	698		401 KAR 35:220		
401 KAR 31:060			Amended	820	
Amended	707		401 KAR 35:230		
401 KAR 31:070			Amended	823	
Amended	710		401 KAR 35:240		
401 KAR 31:120			Amended	827	
Amended	713		401 KAR 35:250		
401 KAR 31:160			Amended	828	
Amended	715		401 KAR 36:030	1097	
401 KAR 31:170			401 KAR 36:040	1099	
Amended	718		401 KAR 36:060	1101	
401 KAR 31:190	1096		401 KAR 36:070	1102	
401 KAR 32:010			401 KAR 38:020		
Amended	723		Amended	830	
401 KAR 32:020			401 KAR 38:030		
Amended	724		Amended	833	
401 KAR 32:030			401 KAR 38:040		
Amended	725		Amended	836	
401 KAR 32:040			401 KAR 38:050		
Amended	727		Amended	840	
401 KAR 32:050			401 KAR 38:060		
Amended	729		Amended	844	
401 KAR 32:100			401 KAR 38:070		
Amended	730		Amended	850	
401 KAR 34:010			401 KAR 38:090		
Amended	736		Amended	853	
401 KAR 34:020			401 KAR 38:100		
Amended	738		Amended	857	
401 KAR 34:030			401 KAR 38:160		
Amended	742		Amended	859	
401 KAR 34:040			401 KAR 38:170		
Amended	744		Amended	860	
401 KAR 34:050			401 KAR 38:180		
Amended	746		Amended	862	
401 KAR 34:060			401 KAR 38:200		
Amended	749		Amended	863	
401 KAR 34:070			401 KAR 38:210		
Amended	757		Amended	865	
401 KAR 34:090			401 KAR 39:010		
Amended	761		Amended	867	
401 KAR 34:100			401 KAR 39:020		
Amended	768		Amended	868	
401 KAR 34:180			401 KAR 39:080	1104	
Amended	776		401 KAR 42:010	1104	
401 KAR 34:190			401 KAR 51:017		
Amended	778		Amended	869	
401 KAR 34:200			401 KAR 51:052		
Amended	780		Amended	879	

ADMINISTRATIVE REGISTER - G5

Regulation	12 Ky.R. Page No.	Effective Date	Regulation	12 Ky.R. Page No.	Effective Date
405 KAR 7:015			603 KAR 7:040		
Amended	569	12-10-85	Amended	40	8-13-85
405 KAR 7:020			700 KAR 1:010	1194	
Amended	888		700 KAR 1:020	1196	
405 KAR 7:060			702 KAR 1:010		
Amended	897		Amended	410	
405 KAR 7:090			Amended	655	12-10-85
Amended	571	12-10-85	702 KAR 3:020		
405 KAR 8:030			Amended	412	11-12-85
Amended	158	8-13-85	702 KAR 3:100		
Amended	900		Amended	413	11-12-85
405 KAR 8:040			702 KAR 3:190		
Amended	170		Amended	1164	
Amended	330	8-13-85	702 KAR 5:140	462	11-12-85
Amended	911		702 KAR 7:070		
405 KAR 8:050			Amended	962	
Amended	924		702 KAR 7:090		
405 KAR 10:030			Amended	208	8-13-85
Amended	579	12-10-85	704 KAR 3:005		
405 KAR 12:020			Amended	414	
Amended	184	8-13-85	Amended	655	12-10-85
405 KAR 16:010			704 KAR 3:025		
Amended	931		Amended	234	9-10-85
405 KAR 16:060			704 KAR 3:035		
Amended	933		Amended	1165	
405 KAR 16:080			704 KAR 3:175		
Amended	936		Amended	237	9-10-85
405 KAR 16:110			704 KAR 3:304		
Amended	187	8-13-85	Amended	209	8-13-85
405 KAR 16:130			704 KAR 3:355		
Amended	189	8-13-85	Amended	417	11-12-85
405 KAR 16:190			704 KAR 4:010		
Amended	939		Amended	963	
405 KAR 18:060			704 KAR 7:020		
Amended	944		Amended	238	
405 KAR 18:080			Amended	396	10-8-85
Amended	948		Amended	964	
405 KAR 18:110			704 KAR 10:022		
Amended	197	8-13-85	Amended	420	11-12-85
405 KAR 18:130			Amended	1166	
Amended	198	8-13-85	704 KAR 15:080		
405 KAR 18:190			Amended	209	8-13-85
Amended	951		704 KAR 20:005		
405 KAR 20:040			Amended	421	11-12-85
Amended	955		Amended	1167	
405 KAR 20:070			704 KAR 20:045		
Amended	959		Amended	239	9-10-85
405 KAR 24:030			704 KAR 20:290		
Amended	582	12-10-85	Amended	422	12-10-85
501 KAR 6:010			705 KAR 4:210	295	
Amended	32	8-13-85	Amended	397	10-8-85
Amended	223	9-10-85	706 KAR 1:010		
Amended	348	10-8-85	Amended	241	
501 KAR 6:020	1106		Amended	398	10-8-85
Amended	1157		706 KAR 1:020		
502 KAR 35:010	91	8-13-85	Amended	210	8-13-85
502 KAR 35:020	92	8-13-85	707 KAR 1:051		
502 KAR 35:030	92	8-13-85	Amended	242	
502 KAR 35:040	94	8-13-85	Amended	398	10-8-85
502 KAR 35:050	95	8-13-85	720 KAR 1:010		
600 KAR 1:040			Amended	1168	
Repealed	315	7-26-85	725 KAR 2:020	1113	
600 KAR 1:045	293	9-10-85	745 KAR 1:010	1114	
601 KAR 1:020			745 KAR 1:020	1116	
Amended	356	10-8-85	745 KAR 1:030	1116	
603 KAR 3:030			745 KAR 1:040	1118	
Amended	357	10-8-85	745 KAR 1:050	1118	
603 KAR 5:070			745 KAR 1:060	1119	
Amended	231	9-10-85	803 KAR 2:015		
603 KAR 5:096			Amended	252	9-10-85
Amended	206	8-13-85	803 KAR 2:020		
			Amended	254	9-10-85

ADMINISTRATIVE REGISTER - G6

Regulation	12 Ky.R. Page No.	Effective Date	Regulation	12 Ky.R. Page No.	Effective Date
803 KAR 7:030			902 KAR 12:030		
Amended	210	8-13-85	Amended	260	9-10-85
804 KAR 4:280	1120		902 KAR 12:080		
805 KAR 7:040			Amended	56	8-13-85
Amended	211	8-13-85	Amended	260	9-10-85
805 KAR 7:050			Amended	360	10-8-85
Amended	211	8-13-85	Amended	442	11-12-85
805 KAR 7:070			Amended	609	12-10-85
Amended	212	8-13-85	Amended	1173	
806 KAR 39:070			902 KAR 13:020		
Amended	19		Amended	444	11-12-85
Amended	125	7-9-85	902 KAR 13:030		
807 KAR 5:001			Amended	445	11-12-85
Amended	127	7-9-85	902 KAR 13:050		
807 KAR 5:002			Amended	445	11-12-85
Amended	965		902 KAR 13:070		
807 KAR 5:006			Amended	448	11-12-85
Amended	423		902 KAR 13:080		
Withdrawn		11-14-85	Amended	449	11-12-85
Amended	967		902 KAR 17:010		
808 KAR 1:060			Amended	450	
Amended	40	8-13-85	Amended	658	
808 KAR 1:070			902 KAR 20:018		
Amended	42	8-13-85	Amended	62	8-13-85
808 KAR 1:080			902 KAR 20:106		
Amended	44	8-13-85	Amended	611	12-10-85
808 KAR 10:210			902 KAR 20:200		
Amended	358	10-8-85	Amended	65	8-13-85
808 KAR 10:220	636	12-10-85	902 KAR 47:050	1121	
808 KAR 10:230	637	12-10-85	902 KAR 55:015		
808 KAR 11:010			Amended	266	9-10-85
Amended	45	8-13-85	Amended	1175	
808 KAR 11:020			902 KAR 55:020		
Amended	46	8-13-85	Amended	1176	
Amended	1169		902 KAR 55:030		
810 KAR 1:013			Amended	1177	
Amended	586	12-10-85	902 KAR 100:005		
810 KAR 1:018			Amended	978	
Amended	589	12-10-85	902 KAR 100:010		
811 KAR 1:070			Amended	979	
Amended	431	11-12-85	902 KAR 100:015		
811 KAR 1:075			Amended	987	
Amended	433	11-12-85	902 KAR 100:017		
815 KAR 7:010			Amended	989	
Amended	134	7-9-85	902 KAR 100:020		
815 KAR 7:013	638	12-10-85	Amended	991	
815 KAR 7:030			902 KAR 100:021	1123	
Repealed	463	11-12-85	902 KAR 100:022	1128	
815 KAR 7:031	463	11-12-85	902 KAR 100:025		
815 KAR 20:110			Amended	1000	
Amended	47	8-13-85	902 KAR 100:030		
815 KAR 20:120			Amended	1011	
Amended	436	11-12-85	902 KAR 100:035		
815 KAR 20:191			Amended	1013	
Amended	49	8-13-85	902 KAR 100:040		
815 KAR 25:010			Amended	1017	
Amended	592	12-10-85	902 KAR 100:045		
815 KAR 25:020			Amended	1020	
Amended	599	12-10-85	902 KAR 100:050		
902 KAR 2:080			Amended	1023	
Amended	343	8-13-85	902 KAR 100:051		
902 KAR 2:090			Amended	1030	
Amended	55	8-13-85	902 KAR 100:052		
902 KAR 6:060			Amended	1033	
Amended	258	9-10-85	902 KAR 100:058		
902 KAR 8:020			Amended	1035	
Amended	439	11-12-85	902 KAR 100:060		
Amended	606	12-10-85	Amended	1042	
Amended	976		902 KAR 100:065		
Amended	1170		Amended	1043	
902 KAR 8:030			902 KAR 100:070		
Amended	1172		Amended	1044	

ADMINISTRATIVE REGISTER - G7

Regulation	12 Ky.R. Page No.	Effective Date	Regulation	12 Ky.R. Page No.	Effective Date
902 KAR 100:075			904 KAR 1:250		
Amended	1056		Amended	284	9-10-85
902 KAR 100:080			Amended	621	
Amended	1058		Withdrawn		11-12-85
902 KAR 100:085			Amended	1084	
Amended	1059		904 KAR 1:300	384	10-8-85
902 KAR 100:090			904 KAR 1:310	386	10-8-85
Amended	1061		904 KAR 2:006		
902 KAR 100:095			Amended	453	11-12-85
Amended	1063		904 KAR 2:020		
902 KAR 100:100			Amended	1188	
Amended	1065		904 KAR 2:022		
902 KAR 100:142			Amended	1085	
Amended	1069		904 KAR 2:116		
902 KAR 100:165			Amended	623	12-10-85
Amended	1073		904 KAR 2:140		
903 KAR 2:010			Amended	286	9-10-85
Amended	67		Amended	626	12-10-85
Withdrawn		6-28-85	904 KAR 2:150		
Repealed	111	6-28-85	Amended	287	9-10-85
903 KAR 5:130			904 KAR 2:170		
Amended	267	9-10-85	Amended	288	9-10-85
903 KAR 5:260			Amended	627	12-10-85
Amended	70	8-13-85	904 KAR 2:200		
Amended	270	9-10-85	Amended	73	8-13-85
Amended	363	10-8-85	904 KAR 3:090		
Amended	1076		Amended	289	9-10-85
Amended	1178		Amended	628	12-10-85
903 KAR 5:270			905 KAR 1:150		
Amended	272	9-10-85	Amended	74	8-13-85
903 KAR 6:020			905 KAR 1:180		
Amended	72		Amended	290	9-10-85
Withdrawn		6-28-85	905 KAR 3:040		
Amended	273	9-10-85	Amended	379	10-8-85
Amended	1181		905 KAR 5:040	1197	
904 KAR 1:009			905 KAR 5:050	1200	
Amended	1078		905 KAR 6:020		
904 KAR 1:010			Amended	1089	
Amended	365	11-12-85	905 KAR 7:030		
904 KAR 1:012			Amended	75	8-13-85
Amended	366	10-8-85	Repealed	302	9-10-85
904 KAR 1:013			905 KAR 7:060		
Amended	368	10-8-85	Amended	79	8-13-85
904 KAR 1:015			905 KAR 7:080		
Amended	370	10-8-85	Amended	80	8-13-85
904 KAR 1:018			Amended	379	10-8-85
Repealed	327	8-2-85	905 KAR 7:110	296	9-10-85
904 KAR 1:020			Amended	381	10-8-85
Amended	1079		Amended	1090	
904 KAR 1:022			905 KAR 7:120	297	9-10-85
Amended	451	11-12-85	905 KAR 7:130	297	9-10-85
904 KAR 1:026			905 KAR 7:140	298	9-10-85
Amended	1081		905 KAR 7:150	299	9-10-85
904 KAR 1:027			905 KAR 7:160	299	9-10-85
Amended	1082		905 KAR 7:170	300	9-10-85
904 KAR 1:031			Amended	382	10-8-85
Amended	370	11-12-85	Amended	1190	
904 KAR 1:036			905 KAR 7:180	301	9-10-85
Amended	274		905 KAR 7:190	301	9-10-85
Withdrawn		8-2-85	905 KAR 7:200	302	9-10-85
Amended	371		Amended	383	10-8-85
Withdrawn		9-26-85	905 KAR 7:210	302	9-10-85
Amended	615	12-10-85	Amended	384	10-8-85
Amended	1182		Amended	1091	
904 KAR 1:045			905 KAR 7:220	1136	
Amended	280		905 KAR 8:040		
Withdrawn		8-2-85	Amended	1191	
Amended	378	10-8-85	905 KAR 8:060		
904 KAR 1:055			Amended	1192	
Amended	282	9-10-85	905 KAR 8:090	386	10-8-85
904 KAR 1:150			905 KAR 8:120		
Amended	283		Amended	1092	
Reprint	464	9-10-85			

ADMINISTRATIVE REGISTER - G8

KRS INDEX

KRS Section	Regulation	KRS Section	Regulation
Chapter 7	1 KAR 5:010	150.025	301 KAR 1:015
Chapter 13A	600 KAR 1:045		301 KAR 1:145
13A.130	401 KAR 30:070		301 KAR 2:044
13A.190	401 KAR 30:070		301 KAR 2:045
17.450	502 KAR 35:010		301 KAR 2:111
	502 KAR 35:020		301 KAR 2:140
	502 KAR 35:030		301 KAR 2:210
	502 KAR 35:040		301 KAR 2:220
	502 KAR 35:050		301 KAR 3:030
17.460	502 KAR 35:010	150.105	301 KAR 2:210
	502 KAR 35:020	150.120	301 KAR 1:145
	502 KAR 35:030	150.170	301 KAR 1:145
	502 KAR 35:040		301 KAR 2:044
	502 KAR 35:050		301 KAR 2:045
Chapter 18A	600 KAR 1:045		301 KAR 2:111
18A.005	101 KAR 1:120		301 KAR 2:140
18A.030	101 KAR 1:051		301 KAR 2:210
	101 KAR 1:140		301 KAR 2:220
18A.075	101 KAR 1:051		301 KAR 3:030
	101 KAR 1:120	150.175	301 KAR 1:145
	101 KAR 1:140		301 KAR 2:111
18A.095	101 KAR 1:120		301 KAR 2:140
18A.110	101 KAR 1:051		301 KAR 2:210
	101 KAR 1:120		301 KAR 2:220
	101 KAR 1:140	150.176	301 KAR 2:140
18A.155	101 KAR 1:200	150.235	301 KAR 2:220
18A.165	101 KAR 1:051	150.240	301 KAR 2:220
	101 KAR 1:120	150.300	301 KAR 2:044
Chapter 41	200 KAR 14:080		301 KAR 2:045
Chapter 42	200 KAR 14:080	150.305	301 KAR 2:044
45.350-45.359	1 KAR 4:005		301 KAR 2:045
Chapter 48	1 KAR 5:010		301 KAR 2:111
58.150	702 KAR 3:020		301 KAR 2:140
61.870-61.884	1 KAR 5:010		301 KAR 2:210
	20 KAR 1:010		301 KAR 2:220
96A.010-96A.370	603 KAR 7:040	150.320	301 KAR 2:044
136.070	103 KAR 20:010		301 KAR 2:140
139.050	103 KAR 27:080	150.330	301 KAR 2:044
	103 KAR 28:051		301 KAR 2:045
139.090	103 KAR 28:051		301 KAR 2:111
139.100	103 KAR 28:051		301 KAR 2:140
139.110	103 KAR 27:080		301 KAR 2:210
	103 KAR 28:051		301 KAR 2:220
139.120	103 KAR 28:051		301 KAR 3:030
139.130	103 KAR 27:080	150.340	301 KAR 2:044
139.210	103 KAR 28:051		301 KAR 2:045
139.290	103 KAR 28:051		301 KAR 2:111
139.310	103 KAR 28:051		301 KAR 2:210
139.320	103 KAR 28:051		301 KAR 2:220
139.330	103 KAR 28:051	150.360	301 KAR 2:044
139.340	103 KAR 28:051		301 KAR 2:045
139.430	103 KAR 28:051		301 KAR 2:111
139.490	103 KAR 28:051		301 KAR 2:140
139.600	103 KAR 28:051		301 KAR 2:210
139.620	103 KAR 28:051		301 KAR 2:220
140.250	103 KAR 7:020		301 KAR 3:030
140.990	103 KAR 7:020	150.365	301 KAR 2:045
150.010	301 KAR 1:055		301 KAR 2:140
	301 KAR 1:145	150.370	301 KAR 2:045
	301 KAR 2:044		301 KAR 2:111
	301 KAR 2:045		301 KAR 2:210
	301 KAR 2:111	150.390	301 KAR 2:045
	301 KAR 2:140		301 KAR 2:111
	301 KAR 2:210		301 KAR 2:140
	301 KAR 2:220		301 KAR 2:210
	301 KAR 3:030	150.400	301 KAR 2:045
150.015	301 KAR 2:044		301 KAR 2:210
	301 KAR 2:220	150.415	301 KAR 2:210

ADMINISTRATIVE REGISTER - G9

KRS Section	Regulation	KRS Section	Regulation
150.416	301 KAR 2:210	164.780	11 KAR 5:010
150.445	301 KAR 1:145		11 KAR 5:080
150.450	301 KAR 1:145		11 KAR 5:090
150.470	301 KAR 1:055		11 KAR 5:100
150.600	301 KAR 2:220	164.785	11 KAR 5:010
150.603	301 KAR 2:044		11 KAR 5:080
	301 KAR 2:220		11 KAR 5:090
150.620	301 KAR 1:015		11 KAR 5:100
150.625	301 KAR 1:015	171.230-171.300	725 KAR 2:020
150.630	301 KAR 2:220	174.080	600 KAR 1:045
150.990	301 KAR 1:055	177.020	603 KAR 3:030
156.010	706 KAR 1:010	186.021	806 KAR 39:070
	706 KAR 1:020	186A.040	806 KAR 39:070
156.031	706 KAR 1:010	189.221	601 KAR 1:020
156.035	706 KAR 1:020	189.222	601 KAR 1:020
156.070	702 KAR 3:020		603 KAR 5:070
	702 KAR 7:070		603 KAR 5:096
	702 KAR 7:090	189.271	601 KAR 1:020
	704 KAR 3:355	Chapter 194	902 KAR 17:010
156.095	704 KAR 3:035	194.030	903 KAR 6:020
156.160	704 KAR 3:304		904 KAR 1:250
	704 KAR 4:010		904 KAR 2:140
	704 KAR 10:022		904 KAR 2:150
157.200-157.290	707 KAR 1:051		904 KAR 2:200
157.320	704 KAR 3:025		904 KAR 3:090
	704 KAR 3:175		905 KAR 1:180
157.360	702 KAR 3:190	194.050	903 KAR 2:010
	704 KAR 3:025		904 KAR 2:116
	704 KAR 3:175	194.060	905 KAR 1:180
	704 KAR 7:020	Chapter 196	501 KAR 6:010
	707 KAR 1:051		501 KAR 6:020
157.370	702 KAR 5:140	Chapter 197	501 KAR 6:010
157.390	702 KAR 3:100		501 KAR 6:020
	704 KAR 3:035	Chapter 198	815 KAR 7:013
157.420	702 KAR 1:010	199.011	905 KAR 1:150
	702 KAR 3:100	199.011-199.375	905 KAR 1:180
157.622	702 KAR 1:010	199.335	905 KAR 1:150
Chapter 158	700 KAR 1:010	199.420-199.990	905 KAR 1:180
158.036	902 KAR 2:090	200.080-200.120	905 KAR 1:180
158.037	902 KAR 2:090	Chapter 202A	905 KAR 7:030
158.070	704 KAR 3:035		905 KAR 7:080
158.650-158.740	704 KAR 3:005		905 KAR 7:110
158.750	704 KAR 3:355		905 KAR 7:200
161.020	704 KAR 20:005		905 KAR 7:210
	704 KAR 20:045	202A.201	902 KAR 12:030
	704 KAR 20:290	Chapter 205	904 KAR 2:140
161.025	704 KAR 20:005	205.010	904 KAR 2:006
	704 KAR 20:045	205.200	904 KAR 2:006
	704 KAR 20:290		904 KAR 2:150
161.030	704 KAR 15:080	205.201	905 KAR 8:040
	704 KAR 20:005		905 KAR 8:060
	704 KAR 20:045	205.201-205.204	905 KAR 1:180
	704 KAR 20:290	205.204	905 KAR 8:040
161.044	704 KAR 15:080		905 KAR 8:060
162.080-162.100	702 KAR 3:020	205.220	904 KAR 2:150
162.120-162.290	702 KAR 3:020	205.231	904 KAR 2:150
162.300	702 KAR 3:020	205.455-205.465	905 KAR 1:180
163.030	705 KAR 4:210		905 KAR 8:120
163.140	706 KAR 1:010	205.520	904 KAR 1:009
	706 KAR 1:020		904 KAR 1:012
163.160	706 KAR 1:010		904 KAR 1:013
	706 KAR 1:020		904 KAR 1:015
164.740-164.764	11 KAR 5:010		904 KAR 1:022
	11 KAR 5:080		904 KAR 1:026
	11 KAR 5:100		904 KAR 1:027
164.740-164.785	11 KAR 4:050		904 KAR 1:031
164.744	11 KAR 6:010		904 KAR 1:036
164.748	11 KAR 5:090		904 KAR 1:045
	11 KAR 6:010		904 KAR 1:055
164.753	11 KAR 5:090		904 KAR 1:150
	11 KAR 6:010		904 KAR 1:250
			904 KAR 1:300

ADMINISTRATIVE REGISTER - G10

KRS Section	Regulation	KRS Section	Regulation
205.550	904 KAR 1:010	211.990 (cont'd)	902 KAR 100:010
	904 KAR 1:020		902 KAR 100:015
205.560	904 KAR 1:010		902 KAR 100:017
	904 KAR 1:020		902 KAR 100:020
205.795	904 KAR 2:020		902 KAR 100:021
	904 KAR 2:170		902 KAR 100:022
205.900-205.920	905 KAR 8:090		902 KAR 100:025
Chapter 208	905 KAR 1:180		902 KAR 100:030
	905 KAR 7:030		902 KAR 100:035
	905 KAR 7:060		902 KAR 100:040
	905 KAR 7:080		902 KAR 100:045
	905 KAR 7:110		902 KAR 100:050
	905 KAR 7:120		902 KAR 100:051
	905 KAR 7:130		902 KAR 100:052
	905 KAR 7:140		902 KAR 100:058
	905 KAR 7:150		902 KAR 100:060
	905 KAR 7:160		902 KAR 100:065
	905 KAR 7:170		902 KAR 100:070
	905 KAR 7:180		902 KAR 100:075
	905 KAR 7:190		902 KAR 100:080
	905 KAR 7:200		902 KAR 100:085
	905 KAR 7:210		902 KAR 100:090
	905 KAR 7:220		902 KAR 100:095
Chapter 209	905 KAR 1:180		902 KAR 100:100
209.030	905 KAR 5:040		902 KAR 100:142
	905 KAR 5:050		902 KAR 100:165
209.160	905 KAR 5:040	211.994	902 KAR 47:050
	905 KAR 5:050	Chapter 212	902 KAR 8:020
Chapter 210	902 KAR 12:080	212.170	902 KAR 8:030
210.370-210.460	902 KAR 6:060	212.870	902 KAR 8:030
211.170	902 KAR 8:030	214.034	902 KAR 2:090
211.180	902 KAR 2:090	215.520	902 KAR 2:090
211.842-211.852	902 KAR 100:005	215.520-215.600	902 KAR 20:200
	902 KAR 100:010	Chapter 216B	902 KAR 17:010
	902 KAR 100:015	216B.010-216B.130	902 KAR 20:018
	902 KAR 100:017	216B.010-216B.131	902 KAR 20:106
	902 KAR 100:020		902 KAR 20:200
	902 KAR 100:021	216B.990	902 KAR 20:018
	902 KAR 100:022		902 KAR 20:106
	902 KAR 100:025		902 KAR 20:200
	902 KAR 100:030	Chapter 217	201 KAR 2:125
	902 KAR 100:035		201 KAR 2:135
	902 KAR 100:040		201 KAR 2:140
	902 KAR 100:045		201 KAR 2:155
	902 KAR 100:050	217.801	902 KAR 47:050
	902 KAR 100:051	217.990	902 KAR 47:050
	902 KAR 100:052	Chapter 217B	302 KAR 31:010
	902 KAR 100:058	Chapter 218A	902 KAR 55:015
	902 KAR 100:060		902 KAR 55:020
	902 KAR 100:065		902 KAR 55:030
	902 KAR 100:070	223.400-223.460	401 KAR 6:300
	902 KAR 100:075		401 KAR 6:310
	902 KAR 100:080	223.991	401 KAR 6:300
	902 KAR 100:085		401 KAR 6:310
	902 KAR 100:090	Chapter 224	401 KAR 5:005
	902 KAR 100:095	224.005	401 KAR 5:050
	902 KAR 100:100		401 KAR 5:075
	902 KAR 100:142		401 KAR 30:070
	902 KAR 100:165	224.020	401 KAR 5:050
211.901-211.905	902 KAR 47:050		401 KAR 5:055
211.960-211.968	902 KAR 13:020		401 KAR 5:060
	902 KAR 13:030		401 KAR 5:065
	902 KAR 13:050		401 KAR 5:070
	902 KAR 13:070		401 KAR 5:075
	902 KAR 13:080		401 KAR 5:080
211.990	902 KAR 13:020		401 KAR 5:085
	902 KAR 13:030	224.033	401 KAR 5:050
	902 KAR 13:050		401 KAR 5:055
	902 KAR 13:070		401 KAR 5:060
	902 KAR 13:080		401 KAR 5:065
	902 KAR 100:005		401 KAR 5:070

ADMINISTRATIVE REGISTER - G11

KRS Section

Regulation

224.033 (cont'd)

401 KAR 5:075
 401 KAR 5:080
 401 KAR 5:085
 401 KAR 30:010
 401 KAR 30:020
 401 KAR 30:070
 401 KAR 30:080
 401 KAR 31:060
 401 KAR 31:070
 401 KAR 32:020
 401 KAR 32:100
 401 KAR 34:010
 401 KAR 34:020
 401 KAR 34:030
 401 KAR 34:040
 401 KAR 34:050
 401 KAR 34:060
 401 KAR 34:070
 401 KAR 34:090
 401 KAR 34:100
 401 KAR 34:180
 401 KAR 34:190
 401 KAR 34:200
 401 KAR 34:210
 401 KAR 34:220
 401 KAR 34:230
 401 KAR 34:240
 401 KAR 35:010
 401 KAR 35:020
 401 KAR 35:050
 401 KAR 35:070
 401 KAR 35:180
 401 KAR 35:190
 401 KAR 35:200
 401 KAR 35:210
 401 KAR 35:220
 401 KAR 35:230
 401 KAR 35:240
 401 KAR 35:250
 401 KAR 36:030
 401 KAR 36:040
 401 KAR 36:060
 401 KAR 36:070
 401 KAR 38:020
 401 KAR 38:030
 401 KAR 38:040
 401 KAR 38:050
 401 KAR 38:060
 401 KAR 38:070
 401 KAR 38:090
 401 KAR 38:100
 401 KAR 38:160
 401 KAR 38:170
 401 KAR 38:180
 401 KAR 38:200
 401 KAR 38:210
 401 KAR 39:010
 401 KAR 39:020
 401 KAR 39:080
 401 KAR 42:010
 405 KAR 7:090
 401 KAR 5:050
 401 KAR 5:055
 401 KAR 5:060
 401 KAR 5:065
 401 KAR 5:070
 401 KAR 5:075
 401 KAR 5:080
 401 KAR 5:085
 401 KAR 38:020
 401 KAR 38:040
 401 KAR 38:050

224.034

224.036

KRS Section

Regulation

224.036 (cont'd)

401 KAR 38:060
 401 KAR 38:070
 401 KAR 38:090
 401 KAR 38:100
 401 KAR 38:160
 401 KAR 38:170
 401 KAR 38:180
 401 KAR 38:200
 401 KAR 38:210
 401 KAR 5:050
 401 KAR 5:055
 401 KAR 5:060
 401 KAR 5:065
 401 KAR 5:070
 401 KAR 5:080
 401 KAR 5:085
 401 KAR 34:010
 401 KAR 34:020
 401 KAR 34:030
 401 KAR 34:040
 401 KAR 34:050
 401 KAR 34:060
 401 KAR 34:070
 401 KAR 34:180
 401 KAR 34:190
 401 KAR 34:200
 401 KAR 34:210
 401 KAR 34:220
 401 KAR 34:230
 401 KAR 34:240
 401 KAR 32:010
 401 KAR 32:020
 401 KAR 32:030
 401 KAR 32:040
 401 KAR 32:050
 401 KAR 34:010
 401 KAR 34:020
 401 KAR 34:030
 401 KAR 34:040
 401 KAR 34:050
 401 KAR 34:060
 401 KAR 34:070
 401 KAR 34:090
 401 KAR 34:100
 401 KAR 34:180
 401 KAR 34:190
 401 KAR 34:200
 401 KAR 34:210
 401 KAR 34:220
 401 KAR 34:230
 401 KAR 34:240
 401 KAR 38:020
 401 KAR 38:040
 401 KAR 38:050
 401 KAR 38:060
 401 KAR 38:070
 401 KAR 38:090
 401 KAR 38:100
 401 KAR 38:160
 401 KAR 38:170
 401 KAR 38:180
 401 KAR 38:200
 401 KAR 38:210
 401 KAR 5:085
 401 KAR 5:075
 405 KAR 7:090
 401 KAR 5:075
 405 KAR 7:090
 401 KAR 5:075

224.060

224.071

224.073

224.081

224.083

224.085

ADMINISTRATIVE REGISTER - G12

KRS Section	Regulation	KRS Section	Regulation
224.087	401 KAR 38:020	224.830-224.877	401 KAR 38:160
	401 KAR 38:040	(cont'd)	401 KAR 38:170
	401 KAR 38:050		401 KAR 38:180
	401 KAR 38:060		401 KAR 38:200
	401 KAR 38:070		401 KAR 38:210
	401 KAR 38:090		401 KAR 39:010
	401 KAR 38:100		401 KAR 39:080
	401 KAR 38:160	224.830-224.889	401 KAR 30:010
	401 KAR 38:170		401 KAR 30:020
	401 KAR 38:180		401 KAR 30:070
	401 KAR 38:200		401 KAR 30:080
	401 KAR 38:210	224.862	401 KAR 42:010
224.320	401 KAR 51:017	224.864	401 KAR 39:020
	401 KAR 51:052	224.866	401 KAR 39:020
224.330	401 KAR 51:017	224.871	401 KAR 39:020
	401 KAR 51:052	224.994	401 KAR 5:055
224.340	401 KAR 51:017		401 KAR 5:065
	401 KAR 51:052		401 KAR 30:010
224.830-224.877	401 KAR 31:010		401 KAR 30:020
	401 KAR 31:040		401 KAR 30:070
	401 KAR 31:060		401 KAR 30:080
	401 KAR 31:070		401 KAR 31:010
	401 KAR 31:120		401 KAR 31:040
	401 KAR 31:160		401 KAR 31:060
	401 KAR 31:170		401 KAR 31:070
	401 KAR 31:190		401 KAR 31:120
	401 KAR 32:010		401 KAR 31:160
	401 KAR 32:020		401 KAR 31:170
	401 KAR 32:030		401 KAR 31:190
	401 KAR 32:040		401 KAR 32:010
	401 KAR 32:050		401 KAR 32:020
	401 KAR 32:100		401 KAR 32:030
	401 KAR 34:010		401 KAR 32:040
	401 KAR 34:020		401 KAR 32:050
	401 KAR 34:030		401 KAR 32:100
	401 KAR 34:040		401 KAR 34:010
	401 KAR 34:050		401 KAR 34:020
	401 KAR 34:060		401 KAR 34:030
	401 KAR 34:070		401 KAR 34:040
	401 KAR 34:090		401 KAR 34:050
	401 KAR 34:100		401 KAR 34:060
	401 KAR 34:180		401 KAR 34:070
	401 KAR 34:190		401 KAR 34:090
	401 KAR 34:200		401 KAR 34:100
	401 KAR 34:210		401 KAR 34:180
	401 KAR 34:220		401 KAR 34:190
	401 KAR 34:230		401 KAR 34:200
	401 KAR 34:240		401 KAR 34:210
	401 KAR 35:010		401 KAR 34:220
	401 KAR 35:020		401 KAR 34:230
	401 KAR 35:050		401 KAR 34:240
	401 KAR 35:070		401 KAR 35:010
	401 KAR 35:180		401 KAR 35:020
	401 KAR 35:190		401 KAR 35:050
	401 KAR 35:200		401 KAR 35:070
	401 KAR 35:210		401 KAR 35:180
	401 KAR 35:220		401 KAR 35:190
	401 KAR 35:230		401 KAR 35:200
	401 KAR 35:240		401 KAR 35:210
	401 KAR 35:250		401 KAR 35:220
	401 KAR 36:030		401 KAR 35:230
	401 KAR 36:040		401 KAR 35:240
	401 KAR 36:060		401 KAR 35:250
	401 KAR 36:070		401 KAR 36:030
	401 KAR 38:020		401 KAR 36:040
	401 KAR 38:030		401 KAR 36:060
	401 KAR 38:040		401 KAR 36:070
	401 KAR 38:050		401 KAR 38:020
	401 KAR 38:060		401 KAR 38:030
	401 KAR 38:070		401 KAR 38:040
	401 KAR 38:090		401 KAR 38:050
	401 KAR 38:100		401 KAR 38:060

ADMINISTRATIVE REGISTER - G13

KRS Section	Regulation	KRS Section	Regulation
224.994 (cont'd)	401 KAR 38:070	315.050	201 KAR 2:010
	401 KAR 38:090	317A.010	201 KAR 12:120
	401 KAR 38:100	317A.060	201 KAR 12:105
	401 KAR 38:160	317A.100	201 KAR 12:050
	401 KAR 38:170	Chapter 318	815 KAR 20:110
	401 KAR 38:180		815 KAR 20:120
	401 KAR 38:200		815 KAR 20:191
	401 KAR 38:210	321.350	201 KAR 16:010
	401 KAR 39:010	322.020	201 KAR 18:150
	401 KAR 39:020	322.290	201 KAR 18:150
	401 KAR 39:080	324.160	201 KAR 11:190
227.570	815 KAR 25:010	325.261	201 KAR 1:035
	815 KAR 25:020	325.270	201 KAR 1:035
230.210-230.360	810 KAR 1:013	327.040	201 KAR 22:106
	810 KAR 1:018	327.050	201 KAR 22:031
230.630	811 KAR 1:070	327.060	201 KAR 22:031
	811 KAR 1:075	327.070	201 KAR 22:052
230.640	811 KAR 1:070	327.080	201 KAR 22:031
	811 KAR 1:075	327.090	201 KAR 22:052
230.700	811 KAR 1:070	330.060	201 KAR 3:065
230.710	811 KAR 1:070	335.090	201 KAR 23:120
244.240	804 KAR 4:280	Chapter 338	803 KAR 2:015
244.570	804 KAR 4:280		803 KAR 2:020
Chapter 246	302 KAR 20:010	341.005-341.990	903 KAR 5:260
247.610-247.685	302 KAR 1:030	341.380	903 KAR 5:270
251.680	302 KAR 34:040	341.440	903 KAR 5:130
251.700	302 KAR 34:040	341.450	903 KAR 5:130
Chapter 257	302 KAR 20:010	Chapter 350	405 KAR 7:015
	302 KAR 20:055		405 KAR 7:020
	302 KAR 20:065	350.020	405 KAR 7:060
257.020	302 KAR 20:055		405 KAR 10:030
257.030	302 KAR 20:055		405 KAR 12:020
257.040	302 KAR 20:055		405 KAR 16:010
257.060	302 KAR 20:055	350.028	405 KAR 7:060
257.070	302 KAR 20:055		405 KAR 7:090
257.115	302 KAR 20:055		405 KAR 12:020
273.410-273.453	905 KAR 6:020	350.050	405 KAR 12:020
273.446	1 KAR 4:005	350.060	405 KAR 8:030
	905 KAR 3:040		405 KAR 8:040
273.453	1 KAR 4:005		405 KAR 10:030
Chapter 278	807 KAR 5:002	350.064	405 KAR 10:030
	807 KAR 5:006	350.070	405 KAR 7:090
287.061	808 KAR 1:070	350.085	405 KAR 12:020
287.095	808 KAR 11:020	350.090	405 KAR 7:090
287.100	808 KAR 1:080		405 KAR 16:130
287.103	808 KAR 1:080		405 KAR 18:130
287.180	808 KAR 1:060	350.093	405 KAR 7:090
287.900	808 KAR 11:010		405 KAR 8:050
287.905	808 KAR 11:020		405 KAR 16:010
288.450	808 KAR 1:070	350.100	405 KAR 10:030
289.031	808 KAR 1:070		405 KAR 16:110
289.061	808 KAR 1:060		405 KAR 18:110
290.015	808 KAR 1:070	350.110	405 KAR 10:030
290.055	808 KAR 1:060	350.113	405 KAR 12:020
291.440	808 KAR 1:070	350.130	405 KAR 7:090
292.380	808 KAR 10:230		405 KAR 12:020
292.410	808 KAR 10:210	350.151	405 KAR 8:040
	808 KAR 10:220		405 KAR 12:020
304.12-020	806 KAR 39:070		405 KAR 16:010
304.39-080	806 KAR 39:070		405 KAR 18:110
304.39-085	806 KAR 39:070		405 KAR 18:130
311.271	201 KAR 9:021	350.255	405 KAR 7:090
311.530-311.620	201 KAR 9:021	350.405	405 KAR 16:010
311.990	201 KAR 9:021		405 KAR 16:110
314.011	201 KAR 20:162		405 KAR 18:110
	201 KAR 20:310	350.410	405 KAR 16:010
314.031	201 KAR 20:162		405 KAR 16:130
314.071	201 KAR 20:162		405 KAR 18:130
314.091	201 KAR 20:162	350.420	405 KAR 16:110
314.111	201 KAR 20:310		405 KAR 18:110
314.161	201 KAR 20:162		
314.991	201 KAR 20:162		

ADMINISTRATIVE REGISTER - G14

KRS Section	Regulation
350.440	405 KAR 16:010
	405 KAR 16:130
	405 KAR 18:130
350.445	405 KAR 8:050
	405 KAR 16:010
350.450	405 KAR 8:050
	405 KAR 16:010
350.465	405 KAR 7:060
	405 KAR 7:090
	405 KAR 8:030
	405 KAR 8:050
	405 KAR 10:030
	405 KAR 12:020
	405 KAR 16:010
	405 KAR 16:110
	405 KAR 16:130
	405 KAR 18:110
	405 KAR 18:130
	405 KAR 24:030
350.610	405 KAR 24:030
350.990	405 KAR 7:090
	405 KAR 12:020
351.102	805 KAR 7:070
351.105	805 KAR 7:030
	805 KAR 7:040
	805 KAR 7:050
	805 KAR 7:070
405.400-405.530	904 KAR 2:022
Chapter 439	501 KAR 6:010
	501 KAR 6:020
HCR 5 (1985 S. Session)	702 KAR 5:140

SUBJECT INDEX

ACCOUNTANCY

Certification standards; 201 KAR 1:062
Examination application; 201 KAR 1:035

AGRICULTURE

Grain insurance, dealers; 302 KAR Chapter 34
Livestock sanitation; 302 KAR Chapter 20
Pesticides; 302 KAR Chapter 31
Referendums; 302 KAR Chapter 1

AIR POLLUTION

New Source Requirements; Non-Attainment Areas
Prevention of significant deterioration; 401 KAR 51:017
Review; 401 KAR 51:052

ALCOHOLIC BEVERAGE CONTROL

Licensing
Affiliated businesses; 804 KAR 4:280

AUCTIONEERS

License, active military duty; 201 KAR 3:065

BLIND, DEPARTMENT FOR

Federal program; 720 KAR 1:010

BLOCK GRANTS

Oversight procedures; 1 KAR 4:005

CORRECTIONS

Policies and procedures; 501 KAR 6:010; 501 KAR 6:020

COMPUTER INFORMATION ACCESS

(See Legislative Research Commission)

EDUCATION (AND HUMANITIES)

Blind; 720 KAR Chapter 1
Exceptional Children
Programs; 707 KAR Chapter 1
Instruction
Elementary, secondary; 704 KAR Chapter 10
Health, PE programs; 704 KAR Chapter 4
Instructional services; 704 KAR Chapter 3
Student services; 704 KAR Chapter 7
Teacher certification; 704 KAR Chapter 20
Teacher education; 704 KAR Chapter 15
Libraries, archives; 725 KAR Chapter 2
Literacy Commission
Adult program fund; 700 KAR 1:010
Adult program plan; 700 KAR 1:020
Local Services
Administration, general; 702 KAR Chapter 1
Pupil transportation; 702 KAR Chapter 5
School district finance; 702 KAR Chapter 3
School terms, attendance, operation; 702 KAR Chapter 7

EDUCATION ASSISTANCE AUTHORITY

(See Higher Education Assistance Authority)

EMPLOYEES, STATE

Personnel Rules
Compensation plan; 101 KAR 1:051 and E
Separations, disciplinary actions; 101 KAR 1:120
Service regulations; 101 KAR 1:140
Unclassified service; 101 KAR 1:200

EMPLOYMENT SERVICES

Employment Services
Weatherization; 903 KAR 6:020 and E
Human Services
Weatherization; 903 KAR 2:010 and E
Unemployment Insurance
Appeals; 903 KAR 5:130
Benefit rates, maximum weekly; 903 KAR 5:270 and E
Procedures; 903 KAR 5:260

ENGINEERS, LAND SURVEYORS

Standards of practice; 201 KAR 18:150

ENVIRONMENTAL PROTECTION

(See Natural Resources, Environmental Protection)

EXCEPTIONAL CHILDREN EDUCATION)

Programs; 707 KAR 1:051

FINANCE, ADMINISTRATION

State Investment Commission; 200 KAR Chapter 14

FINANCIAL INSTITUTIONS

Administration
Application, hearing procedure; 808 KAR 1:070
Investments by state-chartered banks; 808 KAR 1:080
Remote service units; 808 KAR 1:060
Banking
Procedures; 808 KAR 11:020
Multibank Companies
Acquisitions; 808 KAR 11:010
Procedures; 808 KAR 11:020
Securities
Federal regulation D exemptions; 808 KAR 10:210
Fee payment; 808 KAR 10:230
NASDAQ/NMS exemption; 808 KAR 10:220

FISH, WILDLIFE RESOURCES

Fish
Angling; 301 KAR 1:055
Boats, motors; 301 KAR 1:015
Commercial fishing; 301 KAR 1:145
Game
Antlerless deer permits; 301 KAR 2:210
Deer, turkey hunting; special areas; 301 KAR 2:111
Migratory birds; 301 KAR 2:220 and E
Migratory wildlife; 301 KAR 2:044 and E
Upland game birds; seasons, limits; 301 KAR 2:045
Wild turkey; 301 KAR 2:140
Hunting, Fishing
Year-round season; 301 KAR 3:030

GRAIN INSURANCE, DEALERS

Receivership; 302 KAR 34:040

HAIRDRESSERS, COSMETOLOGISTS

Reciprocity; 201 KAR 12:050
School districts; 201 KAR 12:105
School faculty; 201 KAR 12:120

HARNESS RACING

(See Racing)

HAZARDOUS SUBSTANCES

(See Health Services)

HEALTH SERVICES

Certificate of Need and Licensure
 Ambulatory surgical centers; 902 KAR 20:106
 Renal dialysis facilities; 902 KAR 20:018
 Tuberculosis testing, long term care; 902 KAR 20:200
 Communicable Diseases
 Tuberculosis testing; 902 KAR 2:090
 Controlled Substances
 Schedule I; 902 KAR 55:015
 Schedule II; 902 KAR 55:020
 Schedule IV; 902 KAR 55:030
 Emergency Medical Technicians
 Applicant requirements, training; 902 KAR 13:020
 Fees; 902 KAR 13:030
 Instructors, trainers; 902 KAR 13:070
 Procedures; 902 KAR 13:080
 Training, examination, certification; 902 KAR 13:050
 Hazardous Substances
 Lead-containing substances; 902 KAR 47:050
 Local Boards of Health
 Policies, procedures; 902 KAR 8:020
 Mental Health-Mental Retardation Boards
 Budget manuals; 902 KAR 6:060 and E
 Mentally Ill/Mentally Retarded
 Facilities' policies, procedures; 902 KAR 12:080 and E
 Inmates of penal institutions; 902 KAR 12:030 and E
 Radiology
 Applicability, general; 902 KAR 100:005
 Classifications, group; 902 KAR 100:075
 Concentrations, exempt; 902 KAR 100:085
 Concentrations, specific; 902 KAR 100:025
 Definitions; 902 KAR 100:010
 Exemptions; 902 KAR 100:045
 Leak testing; 902 KAR 100:060
 Licenses, broad limits; 902 KAR 100:090
 Licenses, broad scope; 902 KAR 100:052
 Licenses, general; 902 KAR 100:050
 Licenses, specific; 902 KAR 100:040; 902 KAR 100:051; 902 KAR 100:058
 Notices, reports, instructions; 902 KAR 100:165
 Posting, disposal; 902 KAR 100:030
 Quantities, exempt; 902 KAR 100:080
 Radiation protection; 902 KAR 100:020
 Radioactive material, disposal; 902 KAR 100:021
 Radioactive material; receiving, tests; 902 KAR 100:035
 Radioactive material, transportation; 902 KAR 100:070
 Radioactive waste, land disposal; 902 KAR 100:022
 Radiography, industrial; 902 KAR 100:100
 Recognition, reciprocal; 902 KAR 100:065
 Requirements, general; 902 KAR 100:015
 Sealed sources; 902 KAR 100:095
 Teletherapy licenses; 902 KAR 100:017
 Wireline service; 902 KAR 100:142
 State Health Plan
 Plan; 902 KAR 17:010

HIGHER EDUCATION ASSISTANCE AUTHORITY

Authority
 Set off of claims; 11 KAR 4:050
 Grant Programs
 Disbursement procedures; 11 KAR 5:080
 Name of programs, purpose; 11 KAR 5:010
 Records, reports; 11 KAR 5:100
 Refund, repayment; 11 KAR 5:090
 Work study program; 11 KAR 6:010

HIGHER EDUCATION STUDENT LOAN CORPORATION

Guaranteed Student Loans, Loans to Parents
 Repealer; 15 KAR 1:021

HIGHWAYS

Maintenance
 Road classification, primary; 603 KAR 3:030
 Mass Transportation
 Public transportation capital assistance program; 603 KAR 7:040
 Traffic
 Highway classifications; 603 KAR 5:096
 Truck dimension limits; 603 KAR 5:070 and E

HOUSING, BUILDINGS AND CONSTRUCTION

Building Code
 Plan review fees; 815 KAR 7:013 and E
 Repealer; 815 KAR 7:031
 Mobile Homes, Recreational Vehicles
 Mobile homes; 815 KAR 25:010
 Recreational vehicles; 815 KAR 25:020
 Plumbing
 Minimum fixture requirements; 815 KAR 20:191
 Traps, clean-outs; 815 KAR 20:110
 Water supply, distribution; 815 KAR 20:120

HUMAN RESOURCES

Employment Services
 Employment services; 903 KAR Chapter 6
 Human services; 903 KAR Chapter 2
 Unemployment insurance; 903 KAR Chapter 5
 Health Services
 Communicable diseases; 902 KAR Chapter 2
 Controlled substances; 902 KAR Chapter 55
 Emergency medical technicians; 902 KAR Chapter 13
 Hazardous substances; 902 KAR Chapter 47
 Local Boards of Health; 902 KAR Chapter 8
 Mentally ill/mentally retarded; 902 KAR Chapter 12
 Certificate of need and licensure; 902 KAR Chapter 20
 Mental health-mental retardation boards; 902 KAR Chapter 6
 Radiology; 902 KAR Chapter 100
 State health plan; 902 KAR Chapter 17
 Social Insurance
 Food stamp program; 904 KAR Chapter 3
 Medical assistance; 904 KAR Chapter 1
 Public Assistance; 904 KAR Chapter 2
 Social Services
 Aging services; 905 KAR Chapter 8
 Child welfare; 905 KAR Chapter 1
 Children's residential services; 905 KAR Chapter 7
 Community action agencies; 905 KAR Chapter 6
 Program Management; 905 KAR Chapter 3
 Spouse abuse; 905 KAR Chapter 5

INSTRUCTION

Elementary, Secondary
 School standards; 704 KAR 10:022
 Health, PE Programs
 Physical education; 704 KAR 4:010
 Instructional Services
 Classroom units; 704 KAR 3:025
 Educational Improvement Act; 704 KAR 3:005
 Essential skills remediation; 704 KAR 3:355
 In-service plan; 704 KAR 3:035
 Required program of studies; 704 KAR 3:304
 School psychologist; 704 KAR 3:175
 Student Services
 Counselor; 704 KAR 7:020

INSTRUCTION (cont'd)

Teacher certification
 Early elementary level; 704 KAR 20:290
 Preparation program approval; 704 KAR 20:005
 Testing prerequisites, certificate, internship
 program; 704 KAR 20:045
 Teacher education
 Paraprofessional employees, volunteers; 704 KAR
 15:080

INSURANCE

Motor Vehicle Reparation (No-Fault)
 Proof of insurance; 806 KAR 39:070

INVESTMENT COMMISSION (STATE)

Repurchase agreement; 200 KAR 14:080

JUSTICE

State Police
 Services Division; 502 KAR Chapter 35

KENTUCKY STATE UNIVERSITY

Board of Regents
 Annual audit; 745 KAR 1:020
 Bond issuance; 745 KAR 1:050
 Financial management; 745 KAR 1:060
 Funds; acquisition, disbursement; 745 KAR 1:010
 Property; 745 KAR 1:030
 Property proceeds, title; 745 KAR 1:040

LABOR

Occupational safety, health; 803 KAR Chapter 2

LEGISLATIVE RESEARCH COMMISSION

Block Grants; 1 KAR Chapter 4
 Computer information access; 1 KAR Chapter 5

LIBRARIES, ARCHIVES

Librarian certification; 725 KAR 2:020

LIVESTOCK SANITATION

Brucellosis vaccination; 302 KAR 20:055
 Definitions; 302 KAR 20:010 and E
 Sale, exhibition; 302 KAR 20:065 and E

LOCAL SERVICES, EDUCATION

Administration, General
 Facilities surveys, plans; 702 KAR 1:010
 Pupil Transportation
 Midday reimbursement; 702 KAR 5:140
 School District Finance
 Bond issue approval; 702 KAR 3:020
 Class sizes; 702 KAR 3:190
 Data form; 702 KAR 3:100
 School Terms, Attendance, Operation
 Athletic program staff; 702 KAR 7:090
 Interscholastic athletics; 702 KAR 7:070 and E

MEDICAL LICENSURE

Schools; 201 KAR 9:021 and E

MINES, MINERALS

Training, Education, Certification
 Annual retraining program; 805 KAR 7:030
 Newly hired miners; 805 KAR 7:040
 New work assignments; 805 KAR 7:050
 Reporting procedures, record maintenance; 805
 KAR 7:070

NATURAL RESOURCES, ENVIRONMENTAL PROTECTION

Environmental Protection
 Air pollution; 401 KAR Chapter 51
 Waste management; 401 KAR Chapters 30 thru 49
 Natural Resources
 Sanitary engineering; 401 KAR Chapter 6
 Water quality; 401 KAR Chapter 5
 Reclamation
 Bonds, insurance; 405 KAR Chapter 10
 Inspection, enforcement; 405 KAR Chapter 12
 Permits; 405 KAR Chapter 8
 Provisions, general; 405 KAR Chapter 7
 Special standards; 405 KAR Chapter 20
 Surface mining, standards for; 405 KAR Chapter
 16
 Underground mining, standards for; 405 KAR
 Chapter 18
 Unsuitable areas; 405 KAR Chapter 24

NURSING

Disciplinary hearings; 201 KAR 20:162
 Faculty; 201 KAR 20:310

OCCUPATIONAL SAFETY, HEALTH

General industry standards; 803 KAR 2:015
 29 CFR Part 1910; 803 KAR 2:020

OCCUPATIONS AND PROFESSIONS

Accountancy; 201 KAR Chapter 1
 Auctioneers; 201 KAR Chapter 3
 Engineers, land surveyors; 201 KAR Chapter 18
 Hairdressers, cosmetologists; 201 KAR Chapter 12
 Medical licensure; 201 KAR Chapter 9
 Nursing; 201 KAR Chapter 20
 Pharmacy; 201 KAR Chapter 2
 Physical therapists; 201 KAR Chapter 22
 Real estate commission; 201 KAR Chapter 11
 Social workers; 201 KAR Chapter 23
 Veterinary examiners; 201 KAR Chapter 16

PERSONNEL

(See also Employees, State)
 Personnel rules; 101 KAR Chapter 1

PESTICIDES

Hearings; 302 KAR 31:010 and E

PHARMACY

Aerosol-nebulizer delivery systems; 201 KAR 2:125
 Bioequivalence problems; 201 KAR 2:135
 Drug standard deficiencies; 201 KAR 2:140
 School approval; 201 KAR 2:010
 Suppositories, enemas; 201 KAR 2:155

PHYSICAL THERAPISTS

Assistant certification; 201 KAR 22:106
 License refusal, revocation, suspension,
 probation; 201 KAR 22:052
 Licensing procedure; 201 KAR 22:031

PLUMBING

(See Housing, Buildings & Construction)

PUBLIC PROTECTION, REGULATION

Alcoholic Beverage Control
 Licensing; 804 KAR Chapter 4
 Financial Institutions
 Administration; 808 KAR Chapter 1
 Banking; 808 KAR Chapter 11
 Multibank companies; 808 KAR Chapter 11
 Securities; 808 KAR Chapter 10

ADMINISTRATIVE REGISTER — G18

PUBLIC PROTECTION, REGULATION (cont'd)

Housing, Buildings and Construction
Building code; 815 KAR Chapter 7
Mobile homes, RVs; 815 KAR Chapter 25
Plumbing; 815 KAR Chapter 20
Insurance
Motor vehicle reparations; 806 KAR Chapter 39
Mines and Minerals
Training, education, certification; 805 KAR Chapter 7
Public Service Commission
Utilities; 807 KAR Chapter 5
Racing
Harness racing rules; 811 KAR Chapter 1
Thoroughbred racing rules; 810 KAR Chapter 1

PUBLIC RECORDS

LRC access; 1 KAR 5:010
Treasury access; 20 KAR 1:010

PUBLIC SERVICE COMMISSION

General rules; 807 KAR 5:006
Organization; 807 KAR 5:002

RACING

Harness Racing Rules
Licensing; 811 KAR 1:070
Racing, track rules; 811 KAR 1:075
Thoroughbred Racing Rules
Entries, subscriptions, declarations; 810 KAR 1:013
Medication testing; 810 KAR 1:018

RADIOLOGY

(See Health Services)

REAL ESTATE COMMISSION

Practice, procedure; 201 KAR 11:190

RECLAMATION, ENFORCEMENT

Bonds, Insurance
Types, terms, conditions; 405 KAR 10:030
Inspection, Enforcement
Enforcement; 405 KAR 12:020
Permits
Mining, special categories; 405 KAR 8:050 and E
Surface coal mining; 405 KAR 8:030
Underground coal mining; 405 KAR 8:040
Provisions, General
Definitions, abbreviations; 405 KAR 7:020 and E
Experimental practices; 405 KAR 7:060
Hearings; 405 KAR 7:090
Reference documents; 405 KAR 7:015
Special Standards
Offsite plants; 405 KAR 20:070 and E
Prime farmland; 405 KAR 20:040
Surface Mining Standards
Backfilling, grading; 405 KAR 16:190
Diversion; 405 KAR 16:080
Excess spoil, disposal; 405 KAR 16:130
General provisions; 405 KAR 16:010
Hydrologic requirements; 405 KAR 16:060
Surface, ground water monitoring; 405 KAR 16:110
Underground Mining Standards
Backfilling, grading; 405 KAR 18:190
Diversion; 405 KAR 18:080
Excess spoil, disposal; 405 KAR 18:130
Hydrologic requirements; 405 KAR 18:060
Surface, ground water monitoring; 405 KAR 18:110
Unsuitable Areas
Designating process, criteria; 405 KAR 24:030

REFERENDUMS

Bovine animals; 302 KAR 1:030 and E

REVENUE

(Also see Taxation)
Ad Valorem Tax
Local assessment; 103 KAR Chapter 7
Corporations license tax; 103 KAR Chapter 20
Sales and Use Tax
Retailer occupations; 103 KAR Chapter 27
Retail transactions; 103 KAR Chapter 28

SOCIAL INSURANCE

Food Stamp Program
Reference materials; 904 KAR 3:090 and E
Medical Assistance
Acute care, mental hospitals; 904 KAR 1:013 and E
Alternative home, community based services; mentally retarded; 904 KAR 1:150
Dental services; 904 KAR 1:026; 904 KAR 1:027
Drug payments; 904 KAR 1:020 and E
Home health services; 904 KAR 1:031 and E
Inpatient hospital services; 904 KAR 1:012
Medical assistance reference materials; 904 KAR 1:250 and E
Mental health center services; 904 KAR 1:045 and E
Outpatient services, hospital; 904 KAR 1:015 and E
Physicians' services; 904 KAR 1:009; 904 KAR 1:010 and E
Primary care center services; 904 KAR 1:055 and E
Repeal; 904 KAR 1:310 and E
Skilled nursing facility services; 904 KAR 1:022 and E
Skilled nursing, intermediate care; 904 KAR 1:036 and E
Technical eligibility requirements; 904 KAR 1:011E
Withholding federal share of payments; 904 KAR 1:300
Public Assistance
AFDC, reference material; 904 KAR 2:150 and E
AFDC, technical requirements; 904 KAR 2:006 and E
Child support; 904 KAR 2:020; 904 KAR 2:022
Child support program reference materials; 904 KAR 2:170 and E
Collections program; 904 KAR 2:200 and E
Low income home energy assistance; 904 KAR 2:116 and E
Supplementary policies; 904 KAR 2:140 and E

SOCIAL SERVICES

Aging Services
Allocation formula; 905 KAR 8:040
Homecare policy manual; 905 KAR 8:120
Personal care; 905 KAR 8:090
State plan; 905 KAR 8:060
Child Welfare
"Baby Doe" regulation; 905 KAR 1:150 and E
DSS policy, procedures manual; 905 KAR 1:180
Children's Residential Services
Cardinal Treatment Center; policy, procedure manual; 905 KAR 7:170
Central Kentucky Re-Ed Center; policy, procedure manual; 905 KAR 7:210
Central Kentucky Treatment Center, policy manual; 905 KAR 7:140
Facilities capacities; 905 KAR 7:060 and E

ADMINISTRATIVE REGISTER - G19

SOCIAL SERVICES (cont'd)

Facilities manuals; 905 KAR 7:030 and E; 905 KAR 7:080 and E
Green River Boys' Camp, policy manual; 905 KAR 7:150
Lake Cumberland Boys' Camp; policy, procedure manual; 905 KAR 7:120
Lincoln Village; policy, procedure manual; 905 KAR 7:190
Morehead Treatment Center, policy manual; 905 KAR 7:130
Northern Kentucky Treatment Center; policy, procedures manual; 905 KAR 7:110
Owensboro Treatment Center; policy manual; 905 KAR 7:220
Re-Ed Treatment; policy, procedure manual; 905 KAR 7:200
Rice-Audubon; policy, procedure manual; 905 KAR 7:180
Woodsbend Boys' Camp; policy, procedure manual; 905 KAR 7:160
Community Action Agencies
CSBG program, state plan; 905 KAR 6:020 and E
Program Management
Allocation formula; 905 KAR 3:040
Spouse Abuse
Funding; 905 KAR 5:050
Standards; 905 KAR 5:040

SOCIAL WORKERS

Equivalency standards; 201 KAR 23:010

STATE POLICE

Services Division
Definitions; 502 KAR 35:010
Missing child information center; 502 KAR 35:020; 502 KAR 35:030
Reporting of missing children; 502 KAR 35:040
Statistical analysis; 502 KAR 35:050

TAXATION

Ad Valorem; Local Assessment
Funds, release of; 103 KAR 7:020
Corporations License Tax
Gross income defined; 103 KAR 20:010
Sales and Use; Retailer Occupations
Meals on public transportation; 103 KAR 27:080
Sales and Use; Retail Transactions
Leases, rentals; 103 KAR 28:051

TOURISM

Fish, Wildlife Resources
Fish; 301 KAR Chapter 1
Game; 301 KAR Chapter 2
Hunting, fishing; 301 KAR Chapter 3

TRANSPORTATION

Administration
Disciplinary, separation procedures; 600 KAR 1:045 and E
Highways
Maintenance; 603 KAR Chapter 3
Mass transportation; 603 KAR Chapter 7
Traffic; 603 KAR Chapter 5
Vehicle Regulation
Motor carriers; 601 KAR Chapter 1

TREASURY

Access to public records; 20 KAR 1:010

VEHICLE REGULATION

Motor Carriers
Industrial materials hauling, fee, bond; 601 KAR 1:020

VETERINARY EXAMINERS

Code of conduct; 201 KAR 16:010

VOCATIONAL EDUCATION

Instructional programs
Diploma requirements; 705 KAR 4:210

VOCATIONAL REHABILITATION

Administration
Independent living plan; 706 KAR 1:020
Three-year plan; 706 KAR 1:010

WASTE MANAGEMENT

Administrative Procedures
Definitions; 401 KAR 30:010
General provisions; 401 KAR 30:020
Reference material; 401 KAR 30:070
Variance standards; 401 KAR 30:080
Hazardous Waste; Fees
Delisting, exemption; 401 KAR 39:020
General provisions; 401 KAR 39:010
Generator registration; 401 KAR 39:010
Recycling; 401 KAR 39:080
Hazardous Waste; Generator Standards
Appendix, manifest, instructions; 401 KAR 32:100
General provisions; 401 KAR 32:010
Manifest; 401 KAR 32:020
Pre-transport requirements; 401 KAR 32:030
Recordkeeping, reporting; 401 KAR 32:040
Special conditions; 401 KAR 32:050
Hazardous Waste; Identification, Listing
Appendix, basis for listing; 401 KAR 31:160
Appendix, chemical analysis test methods; 401 KAR 31:120
Appendix, chlorinated dibenzo-p-dioxins and dibenzofurans; 401 KAR 31:190
Appendix, hazardous constituents; 401 KAR 31:170
Delisted streams; 401 KAR 31:070
General provisions; 401 KAR 31:010
Lists; 401 KAR 31:040
Rulemaking petitions; 401 KAR 31:060
Hazardous Waste; Permitting Process
Application procedures; 401 KAR 38:070
Approval provisions; 401 KAR 38:500
Interim status provisions; 401 KAR 38:020
Part B application; 401 KAR 38:090
Part B requirements, groundwater; 401 KAR 38:100
Part B requirements, land treatment; 401 KAR 38:200
Part B requirements, land fills; 401 KAR 38:210
Part B requirements, surface impoundments; 401 KAR 38:170
Part B requirements, tanks; 401 KAR 38:160
Part B requirements, waste piles; 401 KAR 38:180
Permit changes; 401 KAR 38:040
Permit conditions; 401 KAR 38:030
Permits, special; 401 KAR 38:060
Public information procedures; 401 KAR 38:050

ADMINISTRATIVE REGISTER - G20

WASTE MANAGEMENT (cont'd)

- Hazardous Waste Storage, Treatment, Disposal Facilities; Interim Status Standards
 - General provisions; 401 KAR 35:010
 - Appendix, drinking water; 401 KAR 35:310
 - Appendix, potentially incompatible waste; 401 KAR 35:330
 - Appendix, recordkeeping; 401 KAR 35:290
 - Appendix, test for significance; 401 KAR 35:320
 - Chemical, physical, biological treatment; 401 KAR 35:260
 - Closure, post-closure; 401 KAR 35:070
 - Containers; 401 KAR 35:180
 - Facility standards, general; 401 KAR 35:020
 - General provisions; 401 KAR 35:010
 - Incinerators; 401 KAR 35:240
 - Land treatment; 401 KAR 35:220
 - Landfill; 401 KAR 35:230
 - Manifest system, recordkeeping, reporting; 401 KAR 35:050
 - Surface impoundments; 401 KAR 35:200
 - Tanks; 401 KAR 35:190
 - Underground injection; 401 KAR 35:270
 - Waste piles; 401 KAR 35:210
- Hazardous Waste Storage, Treatment, Disposal Facilities; Owner and Operator Standards
 - Closure, post-closure; 401 KAR 34:070
 - Containers; 401 KAR 34:180
 - Contingency plan, emergency procedure; 401 KAR 34:040
 - Facility standards, general; 401 KAR 34:020
 - Financial requirements, closure; 401 KAR 34:090
 - Financial requirements, post-closure; 401 KAR 34:100
 - General provisions; 401 KAR 34:010
 - Ground water protection; 401 KAR 34:060
 - Incinerators; 401 KAR 34:240
 - Landfills; 401 KAR 34:230
 - Land treatment; 401 KAR 34:220
 - Manifest system, recordkeeping, reporting; 401 KAR 34:050
 - Preparedness, prevention; 401 KAR 34:030
 - Surface impoundments; 401 KAR 34:200
 - Tanks; 401 KAR 34:190
 - Waste piles; 401 KAR 34:210
- Specific Hazardous Wastes and Types of Hazardous Waste Management Facilities
 - Energy recovery; 401 KAR 36:040
 - Lead-acid batteries; 401 KAR 36:070
 - Recyclable materials, disposal; 401 KAR 36:030
 - Recyclable materials, precious metal recovery; 401 KAR 36:060
- Underground Storage Tanks
 - General provisions; 401 KAR 42:010

WATER

- Sanitary Engineering
 - Water well construction; 401 KAR 6:310
 - Water well drillers; 401 KAR 6:300
- Water Quality
 - Application requirements; 401 KAR 5:060
 - Criteria, standards; 401 KAR 5:080
 - Definitions, general provisions; 401 KAR 5:050
 - Permit conditions; 401 KAR 5:065
 - Permit provisions; 401 KAR 5:070
 - Permit, variance fees; 401 KAR 5:085
 - Permits; 401 KAR 5:005
 - Review procedures; 401 KAR 5:075
 - Scope, applicability; 401 KAR 5:055

